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## NOTICE

The undermentioned Gazettes of India Extraordinary were published upto the 23rd July, 1963 :—

Issue No.	No. and Date	Issued by	Subject
136	S.O. 2047, dated July, 1963.	18th Ministry of Commerce and Industry.	Appointing a body of persons for the purpose of making a full investigation into the circumstances of the New Bhopal Textile Mill Ltd., Bhopal.
137	S.O. 2048, dated July, 1963.	20th Ministry of Finance	Exempting Govt. of India employees working abroad from the C.D.S. Act, whose annual income is Rs. 1,500/- or more and who are not liable to pay Income-tax.
138	S.O. 2049, dated July, 1963.	20th Election Commission, India.	Calling upon elected members of the Legislative Assembly of the State of Madras to elect a person to fill a vacancy in the Council of States.
	S.O. 2050, dated July, 1963.	20th Do.	Appointing dates for making nominations etc., for the election, referred to in S.O. 2049 above.
	S.O. 2051, dated July, 1963.	20th Do.	Designating Shri T. Hanumanthapa, Secretary Legislative Assembly Department, Madras to be the Returning Officer for the election referred to in S.O. 2049 above.
	S.O. 2052, dated July, 1963.	20th Do.	Appointing Shri G.M. Alagarswamy, Deputy Secretary, Legislative Assembly Department, Madras, to assist the Returning Officer, for the election referred to in S.O. 2049 above.
	S.O. 2053, dated July, 1963.	20th Do.	Fixation of hours during which poll shall, if necessary, be taken for the election referred to in S.O. 2049 above.

Issue No.	No. and Date	Issued by	Subject
139	S.O. 2054, dated 20th July, 1963.	Cabinet Secretariat	The President amending the Govt. of India (Allocation of Business) Rules, 1961.
140	S.Os. 2055—57, all dated 20th July, 1963.	Ministry of Information and Broadcasting.	Approval of films specified therein.
141	S.O. 2058, dated 22nd July, 1963.	Ministry of Commerce and Industry.	List of persons appointed as members of the Coir Board.
142	S.O. 2059, dated 22nd July, 1963.	Election Commission, India.	List of Contesting Candidates in the Election to the Council of States by the elected members of the Legislative Assembly of Pondicherry, Union, Territory.
143	S.O. 2115 dated 23rd July, 1963.	Cabinet Secretariat.	The President amending the Govt. of India (Allocation of Business) Rules, 1961.
144	S.O. 2116, dated 23rd July, 1963.	Central Board of Revenue.	The Income-tax (Certificate Proceedings) Amendment Rules, 1963.

Copies of the Gazettes Extraordinary mentioned above will be supplied on indent to the Manager of Publications, Civil Lines, Delhi. Indents should be submitted so as to reach the Manager within ten days of the date of issue of these Gazettes.

### PART II—Section 3—Sub-section (ii)

Statutory orders and notifications issued by the Ministries of the Government of India (other than the Ministry of Defence) and by Central Authorities (other than the Administration of Union Territories).

#### ELECTION COMMISSION, INDIA

*New Delhi, the 4th July, 1963.*

**S.O. 2118.**—In pursuance of clause (b) of sub-section (6) of Section 116A of the Representation of the People Act, 1951, the Election Commission hereby publishes the decision of the High Court of Punjab at Chandigarh, given on the 31st May, 1963 on an appeal from the order dated the 20th December, 1962 of the Election Tribunal (1), Chandigarh.

IN THE HIGH COURT FOR THE STATE OF PUNJAB AT CHANDIGARH  
CIVIL APPELLATE SIDE

First Appeal from order No. 2/E of 1963.

Shri Partap Singh Daulta son of Shri Man Singh, resident of village Chimni, Tehsil Jhajjar, District Rohtak.... ..Appellant

*Versus*

1. Shri Jagdev Singh Sldhanti, M.P. C/o Samrat Press, Pahari Dhiraj, Pahar Ganj, Delhi, 2. Shri Ram Pat son of Shri Lekh Ram, Chamar, resident of village Ismaila, District Rohtak. 3. Shri V. N. Kaushik son of Shri G. R. Kaushik, resident of 118, Than Singh Nagar, New Delhi. 4. Jagan Nath son of Shri Tehla Ram, resident of Delhi Gate, Rewari, District Gurgaon.....Respondents.

*First Appeal from the order of Shri S. N. Sahai, Member, Election Tribunal Chandigarh dated the 20th December, 1962 dismissing the election petition of the petitioner.*

**CLAIM:** Election petition under section 81 of the Representation of People Act, 1951.

*Claim in appeal:* for reversal of the order of the lower Court.  
*Dated the 31st May, 1963.*

**PRESENT:**

The Hon'ble Mr. Justice Dulat and The Hon'ble Mr. Justice Grover.

*For the Appellant:* M/s. H. L. Sibal, M. R. Sharma and Harbhagwan Singh, Advocates.

*For the Respondents:* M/s. Rajinder Nath Mittal, Mr. Rameshwar Dayal and S. K. Aggarwal, Advocates.

### JUDGMENT

This is an appeal from an order of the Election Tribunal (I) Chandigarh presided over by Shri Narain Sahai dismissing a petition filed under section 81 of the Representation of the People Act, 1951 (to be referred to as the Act) which had been instituted by the present appellant, Partap Singh Daulta, who was defeated in the election for a seat in the House of People from the Jhajjar Parliamentary Constituency in the State of Punjab by Jagdev Singh Sidhanti, the first respondent. The polling for the aforesaid election took place on 24th February 1962 and the result was declared on 27th February, 1962. The appellant secured 1,11,005 votes; whereas the first respondent secured 1,18,667 votes. It is unnecessary to mention about the votes polled by the other candidates who also contested the election. It may be mentioned that the appellant stood as a candidate of the Congress Party; whereas the first respondent was set up by the Hariāna Lok Samiti which came into existence for the first time towards the end of April, 1961.

The election of the first respondent was challenged mainly on the ground that several corrupt practices detailed in the petition had been committed by him and his agents and other persons with his consent. It is clear from the order of the Tribunal dated 9th September 1962 that ultimately the Commission of corrupt practices alleged in the petition was confined to the following persons only and to no others:—

1. Jagdev Singh Sidhanti (First respondent);
2. Piare Lal Bhajnik;
3. Badlu Ram;
4. Budh Dev.
5. Sher Singh,
6. Bharat Singh, and
7. Bhagwan Dev.

(The last six persons mentioned in paragraph 5 of the petition will be referred to as the agents and supporters) The case of the appellant as laid in the petition was that all the aforesaid seven persons who were the leaders and active workers of the Gurkul section of the Arya Samaj were also among those who had organised the Hindi agitation in the State of Punjab in the year 1957, the real object of this agitation being to promote feelings of enmity and hatred between the Sikhs and Hindus in that State on the ground of religion and language and later on to exploit the same for promoting their prospects in the general elections which were to be held in 1962. For that purpose they started by organising a Vijay Divas (Victory Day) on 1st January 1958 in Chhotu Ram Park Rohtak just after the termination of the Hindi agitation, when the first respondent began to hold himself out as a prospective candidate for election from the Jhajjar Parliamentary Constituency. They continued to hold small and big meetings in that Constituency and the Assembly Constituencies of the Hariāna area of the Punjab where they systematically appealed to the electorate to vote for the first respondent and

other candidates on the ground of their religion and language. They also systematically used the religious symbol the "Om Dhawaj", in all these meetings. The first respondent himself made similar appeals to the electorate asking them to refrain from voting for the appellant who was a sitting member of the House of People from that Constituency on the ground that he was an enemy of the Arya Samaj and the Hindi language. One of these meetings was held in village Babu Akbarpur District Rohtak on 4th February 1958. When the Haryana Lok Samiti was formed on 30th April, 1961 in Dayanand Math Rohtak, it was meant "to be a camouflage for the faction of the Arya Samaj organisation" and the propaganda and appeal disseminated from the platform of the Samiti continued to be in the name of Arya Samaj which was a religious organisation and which had the "Om Flag" as its symbol. The election campaign was inaugurated on 2nd and 3rd December 1961 at village Bohar. As many as 15 meetings are mentioned in paragraph 12 of the petition which were held in addition for the purpose of appealing to the electorate on the ground of religion and language and for promoting feelings of enmity and hatred between the Sikhs and Hindus of the Punjab. It is unnecessary to mention the other facts stated in the petition for the purpose of deciding this appeal. Along with the petition Schedules were attached giving details of the corrupt practices alleged to have been committed by the first respondent and the agents and supporters.

The petition was contested by the first respondent alone. Apart from controverting most of the pleas, in the written statement it was admitted that the agents and supporters were closely associated with the Arya Samaj throughout Punjab, although most of their activities lay in the Hindi speaking area called Haryana. It was denied that they acted as agents of the first respondent and it was asserted that whatever they did was on their own account and further that as the Haryana people were affected the most by the policy of the Government not only with regard to language but also in regard to the administrative and other fields, Sher Singh who was an important political leader of the area parted company with the Congress and organised a political body known as the Haryana Lok Samiti. This body had nothing to do with the Arya Samaj. It was denied that the so-called Hindi agitation was illegal or objectionable in any manner or was intended to promote feelings of enmity and hatred between the Sikh and the Hindu communities of the Punjab. Apart from the factum of the various meetings, most of the other allegations were denied. It was admitted that the first respondent had been sponsored as a candidate by the Haryana Lok Samiti and he participated in those meetings but it was claimed that he was in no way responsible for the proceedings or the speeches made by others at those meetings. The first respondent gave his own version of what happened at the various meetings in the Schedules attached to the written statement. It may be mentioned that an attempt was made by the first respondent and the agents and supporters to deny some of the facts which were admitted in the written statement when they appeared as witnesses before the Tribunal, but the learned counsel appearing for him has stated quite properly that the first respondent could not be allowed to go back on his own admissions, if any, in the written statement. As many as 25 issues were framed which are given in the order of the Tribunal. Certain Preliminary matters were disposed of by the orders of the Tribunal dated 16th August 1962 and 3rd September 1962. On the issues on the merits it was found that the persons mentioned in paragraph 5 of the petition were not the agents of the first respondent and had not acted as such during his election. According to the Tribunal, the Hindi agitation movement had not been started in order to create any enmity or hatred between the Sikhs and the Hindus in the Punjab and that it had not been satisfactorily established that this movement had been started by the first respondent or by those mentioned in paragraph 5 of the petition with the object of exploiting the feelings of the electors or for the promotion of the prospects of the first respondent in the general elections which were to be held in 1962. It was further found that the first respondent had not been introduced as a prospective candidate for the Jhajjar Parliamentary Constituency at the meeting held to celebrate the Vijay Divas on 1st January 1958 or that it had been declared by him that he could defeat the appellant with the help of Arya Hindi Satyagrahis, if they worked for a period of three years (till the election of 1962). The Tribunal came to the conclusion that the meeting held at Banu Akbarpur on 4th February 1958 had been convened by the Sarva Khap Panchayat (A panchayat of all the *gotras* of the Jats) of that village and it had not been convened by the first respondent or his agents and that no corrupt practices as alleged had been committed at that meeting. At any rate, any such commission of corrupt practices would be far too remote from the general elections which were to be held in 1962. The case of

the appellant with regard to the corrupt practices committed at the meeting at Bohar on 2nd and 3rd December 1961 was found against him. It was held that the Haryana Lok Samiti had not been formed at the instance of the Persons mentioned in paragraph 5 of the petition. The Tribunal considered the evidence with regard to the meetings held at as many places as 15 beginning with Beri on 10th December 1961 and ending with Bahadurgarh on 18th February 1962 and it was found—

- (i) "Om Flag" is not a religious symbol of the Arya Samaj;
- (ii) No satisfactory proof had been adduced that the "Om Flag" had been used as a symbol of the Arya Samaj or that an appeal for securing votes was made to it by the first respondent or by anyone else with his consent;
- (iii) There was no satisfactory evidence to establish that the electors were asked to vote for the first respondent or to refrain from voting for the other candidate on the ground of religion or language;
- (iv) The petitioner before the Tribunal has miserably failed to prove that any appeal on the ground of caste, creed or religion or language had been made to the electors for the furtherance of the prospects of the first respondent or for prejudicially affecting the election of the other candidates;
- (v) There was no satisfactory evidence to prove that the first respondent had any hand in getting certain leaflets, pamphlets or posters which had been produced at the trial printed, published or circulated; and
- (vi) Assuming, without deciding that the leaflets and posters had been issued or put into circulation by the Haryana Lok Samiti which was supporting the first respondent as its candidates, unless it was further proved that the first respondent had adopted them as his own or consented to their circulation or utilised them for his own benefit the publication of the pamphlets in question could not amount to a corrupt practice on the part of the first respondent.

Certain issues were not pressed before the Tribunal and naturally no decision was given with regard to them. The Tribunal while dismissing the petition awarded costs to the first respondent fixing the same at Rs. 1,500. Certain across-objections have been filed on behalf of the first respondent with regard to the amount of costs as also in respect of certain other matters which will be duly considered later.

Mr. H. L. Sibal, counsel for the appellant, has based his argument principally on the corrupt practices as defined in sub-sections (2) and (3) and (3A) of section 123 of the Act. These provisions are—

- "(2) Undue influence, that is to say, any direct or indirect interference or attempt to interfere on the part of the candidate or his agent, or of any other person with the consent of the candidate or his election agent, with the free exercise of any electoral right;

Provided that—

- (a) without prejudice to the generality of the provisions of this clause any such person as is referred to therein who—

\* \* \* \* \*

- (ii) induces or attempts to induce a candidate or an elector to believe that he, or any person in whom he is interested, will become or will be rendered an object of divine displeasure or spiritual censure. shall be deemed to interfere with the free exercise of the electoral right of such candidate or elector within the meaning of this clause;

\* \* \* \* \*

- (3) The appeal by a candidate or his agent or by any other person with the consent of a candidate or his election agent to vote or refrain from voting for any person on the ground of his religion, race, caste, community or language or the use of, or appeal to, religious symbols or the use of, or appeal to national symbols, such as the national flag

or the national emblem, for the furtherance of the prospects of the election of that candidate or for prejudicially affecting the election of any candidate.

- (3A) The promotion of, or attempt to promote, feelings of enmity or hatred between different classes of the citizens of India on grounds of religion, race, caste, community, or language, by a candidate or his agent or any other person with the consent of a candidate or his election agent for the furtherance of the prospects of the election of that candidate or for prejudicially affecting the election of any candidate."

It is necessary to refer to Explanation (1) appearing at the end of the aforesaid section which is in the following terms:—

"In this section the expression 'agent' includes an election agent, a polling agent and any person who is held to have acted as an agent in connection with the election with the consent of the candidate."

It will be useful at this stage to refer to section 100 also which gives the grounds for declaring election to be void. It runs as follows:—

"100(I) Subject to the provisions of sub-section (2) if the Tribunal is of opinion—

- (a) that on the date of his election a returned candidate was not qualified, or was disqualified, to be chosen to fill the seat under the constitution or this Act; or
- (b) that any corrupt practice has been committed by a returned candidate or his election agent or by any other person with the consent of a returned candidate or his election agent; or
- (c) that any nomination has been improperly rejected; or
- (d) that the result of the election, in so far as it concerns a returned candidate, has been materially affected—
- (i) by the improper acceptance of any nomination; or
- (ii) by any corrupt practice committed in the interests of the returned candidate by an agent other than his election agent, or
- (iii) by the improper reception, refusal or rejection of any vote or the reception of any vote which is void, or
- (iv) by any non-compliance with the provisions of the Constitution or of this Act or of any rules or orders made under this Act,

The Tribunal shall declare the election of the returned candidate to be void. (2) If in the opinion of the Tribunal, a returned candidate has been guilty by an agent, other than his election agent, of any corrupt practice but the Tribunal is satisfied—

- (a) that no such corrupt practice was committed at the election by the candidate or his election agent, and every such corrupt practice was committed contrary to the orders, and without the consent, of the candidate or his election agent;
- "(c) that the candidate and his election agent took all responsible means for preventing the commission of corrupt practices at the election; and
- (d) that in all other respects the election was free from any corrupt practice on the part of the candidate or any of his agent then the Tribunal may decide that the election of the returned candidate is not void."

According to Mr. Sibal, the conclusion of the Tribunal that the agents and supporters of the first respondent were not his agents within the meaning of Explanation (I) in section 123 was altogether wrong and erroneous. The arguments on behalf of the appellant have been confined to section 100(I) (B) in which the word "agent" is employed only in connection with the election agent and not an agent other than an election agent. It is only in clause (d) (ii) of Section 100(1) that the words occur "by an agent other than his election agent." If any corrupt practice is proved to have been committed by an agent other than the election agent of the returned candidate then the condition precedent for declaring the election to be void is that the result of the election in so far as it concerns a

returned candidate should have been materially affected. Hardly any cogent proof has been adduced in that behalf and Mr. Sibal stated quite candidly that he was confining his case mainly to clause (b) of section 100(1). On the plain language of that provision a corrupt practice committed by an agent who is not an election agent cannot entail that result. If, however, it is proved that any person has committed the corrupt practice with the consent of the returned candidate then the election shall have to be declared to be void. This would include the case of a corrupt practice committed by an agent who is not an election agent as he will be like "any other person" but it will be essential to prove that the alleged corrupt practice was committed with the consent of the returned candidate. Under clause (d) (ii) there is no such requirement and a corrupt practice by any person who is proved to be an agent other than an election agent, the definition of which is given in Explanation (I) in section 123, in the interest of the returned candidate shall bring about that result provided the other requirement is satisfied, namely, that the result of the election has been materially affected thereby. Mr. Sibal maintains that the language of sub-section (2) seems to indicate that a corrupt practice committed by an agent even if he is not an election agent must be shown as having been committed contrary to the orders and without the consent of the candidate or his election agent in order to save the election from being declared void and, therefore, according to the learned counsel once it is proved that an agent of a returned candidate who is not his election agent has committed a corrupt practice the burden will be on the returned candidate to prove that that corrupt practice was committed contrary to his orders and without his consent and if he fails to discharge it, the election shall have to be declared void under clause (b) of section 100(1). Reliance has been placed on *Nani Gopal Swami V. Abdul Hamid Choudhary* (A.I.R. 1959 Assam 200). There it has been observed that where the corrupt practice is attributed to an "agent" and not to "any other person" as provided in sub-section (1), clause (b) of section 100, the case strictly falls under sub-section (2) of the section. In the case of an "agent" who has been proved to be regularly working for the candidate, the approval or consent to any act done by him to promote the candidate's election is implied. In such a case the burden is thrown on the candidate to prove the want of consent and the act being done by the agent contrary to orders. It appears that the question which is before us was not discussed by the Assam Court from the point of view from which it has been presented by the learned counsel for the first respondent who says that the Legislature has deliberately not employed the word "agent" in clause (b) of section 100(1) because the intention was not to presume or imply consent of the returned candidate to a particular corrupt practice being committed from the general notions which underlay the law of agency. It is submitted that the Legislature is using the words "election agent" and "agent" and "any other person" with a definite purpose and meaning in section 100 and it is not open to the Court to read the word "agent" other than an election agent in clause (b) of section 100(1). Section 100(2) applies only in case of a corrupt practice committed by an agent other than an election agent and that has reference to clause (d)(ii) of sub-section (2) and cannot possibly have any reference to clause (b) of that sub-section. In *Rustom Satin v. Dr. Sampooranand* (20 E.L.R. 221) the Allahabad Court held that though the persons canvassing and working for a returned candidate had committed certain corrupt practices and though general consent and knowledge thereof would make them the agents of the returned candidate for the purposes of section 123 of the Act in view of Explanation (I) to that section, that would not be enough for the purposes of the election being set aside unless it was further alleged and proved that the corrupt practices complained against were themselves committed with the consent or knowledge of the returned candidate. At page 243 the following observations were made:—

"Section 100 of the Act clearly refers to corrupt practices committed by four classes of persons only, viz., the candidate, his election agent, persons acting with the consent of the candidate of his election agent, and those acting without such consent. The corrupt practices committed by the first three classes of persons are covered by section 100(1) (b), while those committed by persons falling in the fourth class are provided against in section 100(1) (d)(ii). The language of section 100 is clear and unequivocal and, therefore, whatever the position in English law as regards the liability of a candidate for the acts of his agent may be, that position cannot be held to obtain in this country."

In *Abdul Majjed v. Bhargavan* (A.I.R. 1963 Kerala 18) the decision of other High Courts on this point have been discussed and it has been held that the consent contemplated by sub-section (1) (b) to the commission of corrupt practice is different from consent which goes to constitute agency. With respect, we are inclined to agree with the above view.

Mr. Sibal has relied mainly on the following alleged corrupt practices having been committed by the first respondent and the agents and supporters:—

1. Use of "Om Flag" as religious symbol for the furtherance of the prospects of the election of the first respondent or for prejudicially affecting the election of the appellant.

2. Appeal to vote or to refrain from voting on the ground of—

- (a) religion,
- (b) caste,
- (c) community, and
- (d) language.

3. Exercise of undue influence.

4. Promotion of or attempt to promote feelings of hatred between different classes of the citizens on grounds of religion, race, etc.

It is necessary to give a broad outline of the background in which, according to Mr. Sibal, the above corrupt practices were committed. The first respondent was admittedly the Senior Vice-President of the Arya Pritinidhi Sabha, Punjab and was at one time its President. Budh Dev known generally as Pt. Budh Dev was the President of the aforesaid body. Sher Singh known as Prof. Sher Singh, Bharat Singh known as Mahashe Bharat Singh and Bhagwan Dev widely known as Acharya Bhagwan Dev were the members of the Executive Committee of that body. Piare Lal Bhajnik was a permanent Bhajnik of the Arya Samaj and Badlu Ram known as Ch. Badlu Ram was admittedly a staunch Arya Samajist who was ex-Secretary of the Gurukul Jhajjar. Moreover, Bhagwan Dev was the Principal of Gurukul Jhajjar, which is an old and well established institution and was controlled by the Gurukul Kangri at Hardwar. Piare Lal Bhajnik was the former Secretary of Gurukul Jhajjar. Budh Dev was the Chancellor of Gurukul Kangri and the first respondent was the Vice-Chancellor. All these persons were thus closely associated with one another in their social, educational and religious activities. According to Ghanshyam Singh Gupta (R.W. 2) who was the President of the Sarveshik Bhasha Swatantraya Samiti since it was founded and who had been the Speaker of Madhya Pradesh Legislative Assembly from 1937 to 1951 and who appeared as a witness for the first respondent, the movement popularly called Hindi agitation first started in the Punjabi speaking area of this State and was conducted by a Committee formed by the Punjab Pradeshik Arya Pritinidhi Sabha and one or two other organisations. Subsequently it was considered that the whole matter should be referred to the Sarvdeshik Arya Pritinidhi Sabha. The control was taken over by the latter Sabha sometime in July 1957 when a body known as the Sarvdeshik Bhasha Swatantraya Samiti was formed to conduct the whole movement. The agitation was started in April or May, 1957 because the people of Punjab thought that Hindi was being neglected. Originally when it was started by the Punjab Organisation it was called the Hindi Rakshsha Samiti but when it came under the control of the All India body then that body was made comprehensive so that it might include freedom for all languages and not to be confined to Hindi alone. According to the evidence of the first respondent, who appeared as R.W. 21, he was the General Secretary of the Satyagrah movement started in connection with the Hindi Rakshsha Samiti. Except Bhagwan Dev, all the persons mentioned in paragraph 5 of the petition were arrested during that movement. A pamphlet was issued, Exhibit R1/1. In October 1957 by Ghanshyam Singh Gupta, President of the Sarvdeshik Bhasha Swatantraya Samiti called "the case of Arya Samaj" at page 1 of this pamphlet it is stated that Arya Samaj is a religious body engaged also in humanitarian, social and educational activities and it is in no sense a political party. Under the heading "the Arya Samaj and Hindi" the following passage occurs:—

"As in other fields, the Arya Samaj has been the pioneer in advancing the cause of the National Language, Hindi, as well. Maharishi Dayanand though Gujarati by birth, wrote his *magnum opus*, the *Satyaratha Prakash* (The light of Truth) in Hindi. He was one of the first to see the potentiality of Hindi as the National Language of India. He termed Hindi as the Arya Bhasha. To an Arya Samajist, Hindi is not only

a National Language, but also a language of his culture and religion, next only to Sanskrit."

It is unnecessary to refer to the other matters set out in this pamphlet. The Hindi agitation ended in November 1957. Sher Singh who was at one time Deputy Chief Minister in this State was dropped from the Cabinet on 10th April 1957 and was ultimately expelled from the Congress party on 7th November 1957. On 1st January 1958 the Vijay Divas or the Victory Day was celebrated at Rohtak to felicitate the partial success of the Hindi agitation movement. According to the appellant, the first respondent started holding himself out as a candidate for the election which were to be held in the year 1962 at this meeting, but this was denied by the latter. On 4th February 1958 another meeting was held at Bahu Akbarpur which was convened under the auspices of Sarv Khap Panchayat which consisted of all the *gotras* and castes of the Jats. The appellant asserted that at this meeting a resolution was passed ex-communicating him as also Ranbir Singh who was then a member of Parliament and Ram Singh, Deputy Inspector General of Police. The first respondent, however, denied that any such resolution was passed at that meeting. On 30th April, 1961, as has already been mentioned, the Haryana Lok Samiti was founded at the Dayanand Math Rohtak in the presence of the first respondent. Sher Singh was elected as its President, Bharat Singh its Secretary and Badlu Ram a member. Exhibit R1/2 is a pamphlet issued by this Samiti entitled "Haryana Lok Samiti Kion". It was stated therein that the Congress had been bargaining with the Akalis in the Punjab in political matters, with the result that the compromise which took place on the language issue resulted in the infliction of Punjabi language in Gurmukhi script on the students in the Haryana region. After subjecting the policy of the Punjab Government and working of what is called "the Regional Formula" to severe criticism, the basic question posed before the people of the Haryana region was whether they would give in to communal influences or whether they would lead a free and independent existence. The Haryana Lok Samiti had been formed as an answer to all this and it would oppose communal forces, fight for the national language and the national spirit for promoting the unity of the nation and will also promote the interest of the Haryana area in all fields. A poster, Exhibit P. 17, publicising the convening of the Fourth Arya Sammelan (Conference) on 2nd and 3rd December 1961 was issued before the meeting which was held at village Bohar in Rohtak District on 2nd and 3rd December 1961. It was stated therein that those satyagrahis who had taken part in the Hindi agitation as also the lovers of the Hindi would rather together and that all those who had taken part from the Haryana region in that movement would join. It was further mentioned that a large number of religious Sanyasis, Mahatmas, etc. would be present. It was quite prominently mentioned that special arrangements had been made for discussing the political and economic conditions in respect of the Haryana region at the Conference. There are rival versions as to what happened at this conference but it was admitted in Schedule 'C' appended to the written statement of the first respondent that the aforesaid Conference or meeting had been arranged by the Ved Prachar Mandal, Pakasma Circle. It was further admitted that the real facts relating to the language movement and the grievances of the Haryana People on the language question were discussed. It was, however, denied that any references were made to the impending elections at this meeting. According to the first respondent, he spoke on the question of language and against the imposition of Punjabi on the students in Haryana. It was admitted that Yagna was performed on 3rd December 1961 before the lunch interval but it was said that the political session started after the lunch interval and Sher Singh presided over it. Then followed the various election meetings which had been convened by the Haryana Lok Samiti, the particulars of which are given below:—

Name of place	Date of meeting
1. Beri	10-12-61.
2. Barhana	19-12-61.
3. Dighal	7-1-62.
4. Akheri Madanpur	10-1-62.
5. Sampla	12-1-62.
6. Ladpur	16-1-62.
7. Majra Dubaldhan	19-1-62.

Name of place	Date of meeting
8. Pakasma	28-1-62.
9. Assaudha	7-2-62.
10. Jhajjar	11-2-62.
11. Badli	12-2-62.
12. Dulehra	15-2-62.
13. Sisana	16-2-62.
14. Bahadurgarh	18-2-62.
15. Rohtak	4-2-62.

Coming to the individual corrupt practices alleged to have been committed by the first respondent and the agents and supporters, the first on which a good deal of argument has been addressed by the learned counsel relates to the use of the "Om Flag" as a religious symbol. It will have to be decided (a) whether "Om" is a religious symbol and the flag containing that inscription would be a religious symbol and (b) whether the aforesaid religious symbol was used for the furtherance of the prospects of the election of the first respondent or for prejudicially affecting the election of the appellant. The allegations in this connection in the petition are to be found in paragraph 13 and Schedule "E". It was asserted that on and from 1st January 1958 the first respondent and the agents and supporters had used and made appeals to the religious symbol, namely, Om Dhvaj (the flag of Arya Samaj bearing the word "Om" on it). This symbol was used—

- (i) In all public meetings held or arranged by the first respondent and the agents and supporters. "Om Dhvaj" was displayed in large numbers on stages and *pandals*.
- (ii) the first respondent and the agents and supporters fixed "Om Dhvaj" to their cars and jeeps during the election campaign, and
- (iii) the agents and supporters of the Lok Samiti fixed "Om Flag" on election officers and their houses. Sometimes more than one thousand flags were seen in one village. Workers of Lok Samiti on cycles and on foot carried on "Om Flags" and asked people to vote for the flag and Arya Samaj. Every meeting was started and closed with a song by Piara Lal Bhajnik asking the people to keep Dayanand's flag high.

In the written statement it was denied that any such use was made of the "Om Dhvaj". It was admitted that Arya Samaj is a religious but it was maintained that "Om Dhvaj" is not accepted or recognised as a symbol of Arya Samaj. "though it is correct that such a flag is used over Arya Samaj Mandirs and also in Arya Samaj meetings. The use of the "Om Dhvaj" by the first respondent or by the agents and supporters at any election meeting was emphatically denied. It was claimed that the election meetings had not been called by the first respondent and it was the Hariana Lok Samiti which had convened them. Except for Acharya Bhagwan Dev, the first respondent or any of the agents and supporters did not fix "Om Dhvaj" to cars and jeeps. So far as Bhagwan Dev was concerned, it was maintained that it was a part of his habit to carry the "Om Flag" with him on his jeep or car "without the least relation with the election matters" and that the first respondent had nothing to do with the same. It was also denied that the Hariana Lok Samiti had used the "Om Dhvaj" at its election office.

Mr. Rameshwar Dial, the learned counsel for the first respondent, points out that in the petition in Schedule "E", all the necessary particulars had not been given with regard to the use of the "Om Flag" by the first respondent or the agents and supporters. The date, time and place had not been specified nor had it been pleaded whether the use of the "Om Flag" by the agents and supporters was with the consent of the first respondent by proving which alone the matter could be brought the ambit of section 100(1)(b). Paragraph 20 of the petition.

read with the orders made by the Tribunal on 3rd September 1962, contained an answer to the objections now sought to be raised on behalf of the first respondent. It has been held in *Bhagwan Datta Shastri v. Ram Ratanji Gupta* (A.I.R. 1960 S. C. 200) that although the requirement of full particulars of corrupt practices in the election petition is of a paramount importance but where notwithstanding the absence of particulars the evidence is allowed to be given and taken the question would not be one of absence of jurisdiction but as to whether there has been any material prejudice occasioned by the absence of particulars. Mr. Rameshwar Dial has been unable to show in what manner any prejudice has been caused. According to Mr. Rameshwar Dial, the only issue which had been framed by the Tribunal with regard to the use of the "Om Flag" was 14 and it was in the following terms:—

"Whether 'Om Dhvaj' is a religious symbol of Arya Samaj? If so, was it used in the meetings convened in support of the election of respondent No. 1? If so, with what result?

It is pointed out that this issue could not cover the allegation of the use of the "Om Flag" on jeeps and cars of the first respondent or the agents and supporters or on the offices of the Lok Samiti etc. Here again it is noteworthy that when evidence was led with regard to those matters, no objection was raised by the first respondent to the same being admitted. It appears that the parties were fully alive to the case as laid in the petition and both in his written statement as also in his evidence the first respondent made an attempt to meet the case of the appellant with regard to the allegations of the use of the "Om Flag" on the cars and jeeps as also on the offices of the Haryana Lok Samiti. The objection raised by Mr. Rameshwar Dial, therefore, can be of no avail in these circumstances.

Now, it is not seriously disputed by any party and it was so found by the Tribunal that the word "Om" is a symbol which is worshipped and respected by the Hindus in general without any restriction as to dogma or creed. According to the Sanskrit English Dictionary by Sir Monier Monier-Williams, the word "ॐ" is placed at the commencement of most Hindu works, and as a sacred exclamation may be uttered at the beginning and end of a reading of the Vedas or previously to any prayer; it is also regarded as a particle of auspicious salutation; Om appears first in the Upanishads as a mystic monosyllable and is there set forth as the object of profound religious meditation, the highest, spiritual efficacy being attributed not only to the whole world but also to the three sounds *a, u, m.* of which it consists; in later times *Om* is the mystic name for the Hindu triad, and represents the union of the three gods, viz., *a* (Vishnu), *u* (Shiva), *m* (Brahma); it may also be typical of the three Vedas. As the case of the appellant is that this symbol was used by the Arya Samaj at all its religious congregations it will be useful to refer to well-known work of Swami Dayananda Saraswati, the founder of the Arya Samaj, called "SATYARTH PRAKASH". Chapter I contains an exposition of the various names of God and the "ॐकारदि" and it is explained that "OM" is the highest name of God; it is composed of three letters, A, O, M. This one name comprises many other names of God. Thus, briefly—

A stands for Virat, Agni and Vishwa, etc.

O stands for Hiranyagarbha, Vayu and Tajjas etc.

M stands for Ishwara, Aditya and Prajna etc,

vide Satyarth Prakash in Hindi by Swami Veda Nand. In *Karan Singh v. Jamuna Singh* (15 E.L.R. 370) as also in *Sangappa Anadnappa v. Shivamurthiswamy Siddappappa Swamy* (A.I.R. 1961 Mysore 106) it was held that the picture or portrait of Mahatma Gandhi was not a national symbol. In the Mysore case it was observed that in order to constitute a national symbol it must be something exponential or emblematic of the nation and it could not be seriously asserted that the picture of Mahatma Gandhi was a national symbol so tested. In *Karan Singh's case* while examining the meaning of the word "symbol" reference was made to Murray's New English Dictionary, 1919 Edition (Oxford), where the third meaning given was "something that stands for, represents or denotes something else (not by exact resemblance, but by vague suggestion, or by some accidental or conventional relation) especially a material object representing or taken to represent something immaterial or abstract, as a being, idea, quality or condition; a representative or typical figure, sign or token." In *Shankaragupta v. Sirur*

*Veerathadrappa* (A.I.R. 1963 Mysore 81) one of the allegations relating to corrupt practices against the successful Congress candidate was that the printed cover page of a pamphlet, called Congress Mahatma, used for propaganda bore a picture showing the portraits of Gandhi, Nehru and Vallabhbhai Patel, they being described as "Brahma", "Vishnu", and "Rudra" respectively. All those were inserted with the letter "Om" and there was also a picture of "Bharat Mata" with the words "Vande Mataram" with the Sun flag in one side and Star and Crescent in the other side. On the top of the picture of "Bharat Mata" Lord Shiva's third eye was drawn over "Tripundra". It was held that the printed picture blocks did not represent any religious symbol of either Hindus or Muslims, and by the mere user of those pictures, no appeal to or the use of any religious symbols had been established. The term "symbol" is essentially given to a visible object representing to the mind the semblance of something which is not shown but realised by association with it (vide *Encyclopaedia Britannica*, Volume 21). The cases to which reference has been made were, with respect, correctly decided on their facts. Keeping in view the meaning of the word "symbol" there can be little doubt that the word "Om" represents something immaterial or abstract, namely, the supreme being so far as Hindu religion is concerned. Mr. Rameshwar Dial does not contest this view of the matter but he says that the real question in the present case is whether the "Om Flag" can be regarded to be a symbol of the Arya Samaj which admittedly is a religious body. According to him if anyone carried the "Om Flag" it would certainly convey the impression that he professed the Hindu faith but it would not necessarily follow that he belonged to the Arya Samaj section of the Hindus. He further submits that at any rate even if the word "Om" is a religious symbol, the flag bearing that inscription could not be regarded as a symbol of the Hindus or of the Arya Samaj. The matter is one of first impressions and is not free from difficulty. We are inclined to the view that when the flag contains only the inscription of "Om" which flag even according to the admission of the first respondent was used over Arya Samaj Mandirs and also in Arya Samaj meetings apart from other religious places and congregations, it becomes a religious symbol of the Hindus, in general and Arya Samaj in particular. It will be presently seen when the evidence is discussed that the "Om Flag" is very much associated with the Arya Samaj and can well be regarded as its religious symbol.

The appellant produced a large number of witnesses who according to him may be categorised as follows:—

1. Journalists who sent contemporaneous reports to newspapers regarding the election campaign in the Haryana area.
2. Police officers belonging to the Criminal Investigation Department who submitted contemporaneous reports to the Government.
3. Persons who stood as candidates on the ticket of the Haryana Lok Samiti itself for election to the Assembly Constituencies.
4. Persons who belonged to opposite parties like Communist Party and Jan Sangh.
5. Persons who belonged to the Congress party and were associated with the election in one manner or the other.
6. Independents and Villagers.

As regards the use of or appeal to the "Om Flag", the first witness of some importance is P.W. 9 Satya Vrat Bedi who was the staff correspondent of the Daily Newspaper, Indian Express, published and printed from Delhi. He visited Bahadurgarh and Sampla within the Jhajjar parliamentary constituency and also visited Rohtak, for the purpose of surveying the election scene during the last general elections. He sent a report to his newspaper on 18th February 1962. He had stated in the report that religious symbols and religion were being frequently utilised damaging the chances of success of the appellant. In the witness-box he stated that he had visited the election offices of the four main political parties in these three places and found the "Om Flag" flying on the offices of the Haryana Lok Samiti. He visited the election office of the first respondent at Sampla on which he saw the "Om Flag" flying. The first respondent was not present at that time. He also met Bharat Singh there who invited him to attend the meeting at Jhajjar but he could not accompany him. However he saw Bharat Singh going in a jeep on which "Om Flag" was flying. The Tribunal had not given much consideration to the evidence of this witness on the ground that there had been non-compliance with the provisions of section 159 of the Indian Evidence Act which permits memory being refreshed by a witness while under examination by referring to any writing made by himself at the time of the transaction concerning which he is questioned or soon afterwards. The witness can also refer

to any such writing made by any other person and read by the witness within the time aforesaid if when he read it he knew it that it was correct. It is significant that no objection was raised at the time when the witness was allowed to refresh his memory notwithstanding the omission to comply with the requirements of the statute. At any rate, even if that part of the evidence given by the aforesaid witness is to be excluded which related to the report sent by him to the newspaper, it is difficult to understand how his deposition about his visual observation with regard to the "Om Flag" flying on the office of the Haryana Lok Samiti or on the jeep of Bharat Singh could be ruled out consideration. It is common ground that the first respondent did not have any office of his own. Apparently, therefore, he was using the office of the Haryana Lok Samiti for his election campaign. Ram Nath Sapra, a correspondent for the Daily Tribune, Hindustan Times, etc, with his headquarters at Rohtak, appeared as P.W. 12. He covered the proceedings of the meeting which was held in the first week of February 1962 in Bahu Akbarpur in district Rohtak and which had been convened, according to him, by the Hindi Rakhsha Samiti. At that meeting a resolution was passed ex-communicating the appellant, Ram Singh, Deputy Inspector General of Police, and Ranbir Singh member of Parliament. He deposed that he attended a meeting of the Haryana Lok Samiti during the election days in Anaj Mandi, Rohtak. A procession was taken out before the proceedings of the meeting started. Processionists carried flags either of the symbol of "Rising Sun" or of "Om". According to him, the flag of "Om" is used by the Arya Samajists. The proceedings of the meeting started with a Bhajan sung by Piare Lal Bhajnik. There was a reference of upholding the honour of "Om Flag" in that Bhajan. In cross-examination he stated that it was at the instance of Bharat Singh that the procession was taken out before the meeting commenced. K. K. Katyal was a special correspondent for Punjab of the Hindustan Times at Delhi, his headquarters being at Chandigarh. He appeared as P.W. 14 and stated that he had toured the Haryana area extensively during the election days. He mentioned certain special features of the campaign carried on by the Haryana Lok Samiti in the Jhajjar Parliamentary Constituency, one of which was that appeals were made "on the basis of Arya Samaj." When questioned about the grounds on which he made that statement, the witness deposed that flags with the symbol of "Om" inscribed in them, which symbol was very much associated with Arya Samaj were seen by him on some wayside stalls as he travelled from Delhi to Rohtak and on some buildings. He also saw "Om Flags" fluttering on some vehicles but he could not say as to who owned them. He went to the office of the Haryana Lok Samiti at Rohtak and saw a similar flag flying on the building of the office. He sent a report of his political assessment to the Head Office at Delhi. When asked whether he could give the details of his report he said that he could not do so until he was allowed to refresh his memory by reading the relevant issue of the Hindustan Times dated 22nd February 1962. The Tribunal permitted him to refresh his memory. He admitted that it was not possible to verify to whom the vehicles carrying "Om Flag" belonged but according to him the flying of the flags and the presence of playcards on the vehicles gave an indication that they belonged to the Samiti. The Tribunal was of the view that the evidence given by K. K. Katyal was of a general nature and the only reason which he gave for saying that there was an appeal to Arya Samaj by the Haryana Lok Samiti was that he saw the symbol of "Om" inscribed in the flags at certain places and on some buildings and stalls. The Tribunal rightly observed that the liability for the use of those flags could not be laid at the door of the first respondent but one fact stood established from his evidence and that is that the "Om Flag" was found flying at the office of the Haryana Lok Samiti at Rohtak which was its headquarters and that in the procession which was started at the instance of Bharat Singh, a number of "Om Flags" were seen. P.W. 6 Shri Ram Sharma, who had been in public life since 1921, having been a member of the Punjab Legislative Assembly for about 25 years and a Minister for about 15 months and who had fought the election of 1962 as an independent candidate, stated that he was a leader of the party known as the Haryana Front. Although he never attended any meetings or processions organised by the Samiti, according to him vehicles employed in the elections by the Samiti carried the flag of "Om" and it was used by the Samiti candidates as their party flag. This flag, according to him, was a religious flag of the Arya Samaj. He saw that flag several times on the conveyance of the first respondent. He definitely remembered that when he had gone in connection with the canvassing of votes to village Naya Bans, he found "Om flag" on the station wagon of the first respondent. He contributed a number of articles to the newspaper "Haryana" Tilak Rohtak which had been founded by him, these articles being Exhibits P.4. to P.10. In Exhibit P.4 published on 4th January 1962, the heading of the article was "*election main om ka jhanda aur Arya Samaj*" (In the Election—Om Flag and Arya Samaj.) The entire article was devoted to condemning the use of the "Om Flag" for the purposes of election.

He was opposed by a candidate of the Haryana Lok Samiti and Mr. Rameshwar Dial points out that in cross-examination he stated that he did not see Budh Dev, Bhagwan Dev, Piare Lal Bhajnik or Bharat Singh using the "Om Flag" on their vehicles but he saw Badlu Ram and Sher Singh making such use of it. Bhagwan Dev admittedly used to fly the "Om flag" on his conveyance and even Satya Vrat Bedi saw that flag flying on the vehicle in which Bharat Singh went to attend the meeting at Jhajjar. It is submitted that for these reasons reliance should not be placed on his statement. On the other hand, Mr. Sibal has emphasised a great deal the contemporaneous statements in the articles contributed by this witness about the use of the "Om Flag" by the candidates of the Haryana Lok Samiti. In our view, his evidence tested in the light of the fact that these allegations were made publicly in the articles appearing in the Haryana Tilak Contemporaneously does establish generally that the Haryana Lok Samiti as also the candidates set up by it were making use of the "Om Flag" for the purposes of the election but owing to the reasons suggested by Mr. Rameshwar Dial his testimony cannot be accepted with regard to the use of "Om Flag" either by the first respondent or by the agents and supporters on their vehicles.

Coming to the use of the "Om Flag" at different meetings, nothing much need be said about the Bohar meeting which was held on 2nd and 3rd December 1961 as all that is established from good and cogent evidence is that the "Om Flag" was flying at the Yagshala at the time when speeches were made on 3rd December 1961 for canvassing support for the Haryana Lok Samiti. It is not established that the first respondent of the agents and supporters made any speeches asking for votes for the first respondent while standing near or under that flag which as has been stated above, was flying at the Yagshala.

At the meeting at Beri which was held on 10th December 1961 it was stated by P.W. 15 Dafedar Singh, a constable in the Punjab Police, who was entrusted with the work of reporting from 13th June 1961 to 18th December 1961 with his headquarters at Jhajjar, that in the procession in the afternoon there were about 25 flags of "Om" which were being carried by the processionists. It has not been established that that was being done at the instance of the first respondent. P.W. 24 Ranbir Singh was a member of Parliament up to 1962. At present he is a member of the local Vidhan Sabha and Minister in this State. According to him the Haryana Lok Samiti was using the "Om Flag" during the elections until the symbol of "Sun" was allotted to it when it started using that flag also. The "Om Flag" was being used by the Samiti on its offices and motor vehicles and at the public meetings organised by it. He narrated on incident which took place during the elections. He had met the first respondent in front of the Deputy Commissioner's Office at Rohtak. There was a jeep standing with "Om Flag" flying on it. The first respondent said in a challenging way "look the 'Om Flag' was flying on the jeep in front of the Deputy Commissioner's Office." He definitely remembered that he saw the "Om Flag" hoisted in the meeting held at Beri. He had only seen that casually while passing through that place. Unfortunately the Tribunal did not discuss the evidence of this witness at all. Mr. Rameshwar Dial suggests that in spite of the exalted position of this witness not much importance should be attached to his evidence as admittedly he had a reason for deposing against the first respondent as he must have entertained a serious grievance on account of his alleged ex-communications along with the appellant and Ram Singh, Deputy Inspector General of Police at the Bahu Akbarpur meeting. In the present case a large number of witnesses have appeared on both sides, most of whom have political affiliations with the party to which the rival candidates belonged. In our view, the safer course would be to rely on that evidence only which could be called predominantly disinterested and independent. It cannot consequently be held that the alleged use of the "Om Flag" by the first respondent at the Beri meeting has been established.

As regards the meeting at Barhana which was held on 19th December 1961, Mr. Sibal relies on the evidence of Rattan Singh (P.W. 28) who stated that "Om Flag" was used by the Haryana Lok Samiti in the meeting as well as on the trucks which were moving in one direction or the other in front of his cycle repairs shop at Dighal which is another village. He went in a truck which had the "Om Flag" flying on it but he did not know to whom it belonged. It was admitted by him that he was on friendly terms with Satya Vir, the nephew of the first respondent. The Tribunal did not place much reliance on his evidence and we have not been persuaded to differ from the view of the tribunal.

As regards the meeting at Dighal which was held on 7th January 1962 our attention was invited to the evidence of Kehri Singh (P.W. 29). According to

him, the trucks carrying people to the meeting had "Om Flag" flying on them. Evidence of this nature can hardly be of much assistance to the appellant as nothing was stated by this witness to whom the trucks belonged and whether they had been hired or engaged for transporting persons to the meeting by the first respondent or the agents and supporters. The tribunal also did not attach any importance to his testimony on the ground that it was vague.

At the meeting at Sampla held on 12th January 1962 Ganesh Dass (P.W. 19) a Head Constable who was working on the staff of the Security Intelligence, was present. According to him, this meeting started with a Bhajan sung by Piare Lal Bhajnik, the wording of the song being "Jhanda Piara Om Ka". He stated that Piare Lal Bhajnik exhorted the audience to maintain the honour of the "Om Flag" which could be done only by supporting the candidates of the Hariana Lok Samiti. The first respondent was present at that time. The Tribunal gave various reasons for not accepting his testimony. One of those reasons was that in his examination-in-Chief he had stated that at the other meetings which were held at Jhajjar and Bahadurgarh on 11th February and 18th February 1962 respectively Budh Dev had asked the audience to take an oath that they would cast their votes in favour of the Hariana Lok Samiti. He was asked whether he had made any mention of this fact in his report which he had sent to his Department and he replied that he had. But on looking through that report it was found that there was no such mention in it. The grievance of Mr. Rameshwar Dial is that the Tribunal did not allow the first respondent to put questions from that report on the ground that the witness had not refreshed his memory before the Tribunal from that report and had done so before he came to give evidence as he had been directed by the D.I.G., C.I.D., to go through the diary before appearing before the Tribunal. On the whole we are not inclined to place much reliance on the evidence of this witness in respect of the use of or appeal to the "Om Flag" and nothing more need be said about him. Maru Singh (P.W. 2) who is a practising lawyer was elected a member of the Punjab Legislative Assembly from the Sampla Constituency in the election of 1952. He had been associated with the Arya Samaj Jhajjar Road, Rohtak. According to him, the meeting at Sampla was started with a song, the purport of which was "Om Ka Jhanda Piara". Piara Lal Bhajnik further exhorted the audience to make sacrifices for keeping it flying. He stated that the "Om Flag" was the flag of Arya Samaj and was flown on every institution connected with it. The "Om Flag" was hoisted before the Bhajan at Sampla meeting. Many people had brought "Om Flag" with them. That flag was also found flying on motor cars and motor lorries and other conveyances. He did not notice the flag in the hands of the first respondent and the agents and supporters, though he saw it on the conveyances which brought them to the meeting. He admitted that he had only watched the proceedings of the meeting from across the road from the house of a person whose name he did not remember. The Tribunal felt that his standing in the profession was not very high as he was paying only Rs. 30 per annum as income-tax and further that his evidence was not impressive at all. According to the Tribunal, it appears that because that witness had resigned from the Arya Pratinidhi Sabha and joined the Congress party and also because he was opposed in the general elections by the Hariana Lok Samiti, he was deposing against the first respondent. The common bonds between the appellant and this witness were that both were members of the Communist party till 1946 and both sought election in the last general elections on the Congress ticket. We have not been persuaded to differ from the Tribunal about the assessment of the weight to be attached to the testimony of this witness. P.W. 26 Ram Dhari Balmiki stood as a candidate for the local Vidhan Sabha from Maham constituency in Rohtak District in 1962. He fought the election on the Harijan Lok Samiti ticket. He claimed to have attended the meeting at Sampla and certain other meetings. According to him, the "Om Flag" was the flag of the Hariana Lok Samiti. It was flying on the *pandals* where all the meetings of the Hariana Lok Samiti were taking place. All the motor vehicles had also the "Om Flag" flying on them. He admitted having used the "Om Flag" in miniature on his own station wagon. It was admitted by this witness that he left the Congress organisation on 9th or 10th March 1961 and although he stood for the election on the ticket of the Hariana Lok Samiti, he left its membership on 7th February 1962, i.e., the very next day of the announcement of the election and he joined the Congress party again. This witness had first stated that he had joined the Hariana Lok Samiti sometime in March 1961 and then he said that he left the Congress organisation in September/November 1961. There was an obvious inconsistency and, therefore, the Tribunal put a question to him which was answered by the witness by saying that he had given his resignation from the Congress party on 9th or 10th March 1961 and thereafter a talk was going on between him and the Hariana Lok Samiti but he never joined the organisation. His statement that he had joined

the Haryana Lok Samiti in March 1961 was not correct. The comment of the Tribunal about this witness was as follows:—

"It is manifest that this witness has no regard for any principle and was keen on getting into the local Vidhan Sabha whatever may be the quarter from which he received support."

We have not been particularly impressed with the evidence given by this witness and it will not be safe to rely on him. It must, therefore, be held that the use of the "Om Flag" at the Sampla meeting had not been proved.

The meeting at Ladpur took place on 16th January 1962. As regards the use of the "Om Flag", the only witness produced of this meeting is Ganesh Das I.W. 19. There is nothing in the evidence of this witness which can be of such assistance in deciding the question of the use of "Om Flag" at this meeting.

As regards the Majra Dubaldhan meeting which took place on 19th January 1962, the main witness is Roop Ram (P.W. 20), a constable posted at Jhajjar, who had been entrusted with the task of the submitting reports to the C.I.D. Department about the various meetings. He stated in categorical terms that the "Om Flag" was flying on the *pandal* of the meeting which was attended by four to five thousand people. The speakers who delivered speeches at that meeting were the first respondent and most of the agents and supporters. According to him, Bhagwan Dev in the course of his speech said that Malik Partap Singh, General Secretary of the Congress, had sent a wire to the Election Commission prohibiting the Haryana Lok Samiti from using its flag during the election and Pratap Singh was siding with the Congress as he had got a licence for a coal depot. The other witness about this meeting is Sukhi Ram (P.W. 23) a Sarpanch of Dubaldhan Panchayat. According to Sukhi Ram, Sher Singh and the first respondent had come in a jeep on which there was the "Om Flag" which was the flag of Arya Samaj. He also saw a number of conveyances which were bringing people from the neighbouring places and on which "Om Flag" were flying. The truck in which that witness was brought had "Om Flag". The third witness was P.W. 26 Ram Dhari Balmiki. We have already discussed about the testimony of Ram Dhari Balmiki and it is unnecessary to add more to what has already been said. The only question is whether there are any substantial reasons for disbelieving the evidence of Roop Ram, constable and Sukhi Ram, Sarpanch. The Tribunal merely stated that the allegations about this meeting had been denied on behalf of the first respondent who had produced Piara Lal, Juglal, Sher Singh and himself in support of those denials. The Tribunal did not consider it necessary to discuss their evidence on the ground that the appellant had failed to prove the allegations by any reliable and cogent evidence. Mr. Sibal has contended that there was no justification for brushing aside the evidence of Roop Ram and Sukhi Ram as it had not been shown that they were in any way interested in eposing in favour of the appellant. Indeed, nothing was brought out in the evidence of Roop Ram which could show that this testimony with regard to seeing the "Om Flag" flying on the *pandal* of the meeting at Dubaldhan was not trustworthy. Even if he had looked up the report which he had submitted before giving evidence to which there was no legal bar there was no reason why he should not have been believed with regard to his observation of the use of the "Om Flag". As regards P.W. 23 Sukhi Ram, he made an attempt to reproduce the speeches of various persons which were delivered at the meeting in detail. His deposition gives the impression that he wanted to help the appellant. We do not consider, therefore, that it would be safe to place any reliance on his statement. Piara Lal (R.W. 6) stated that he saw no flag inside or outside or on the *bandals* of the meetings, which he attended and which were 15 in number. Where he sang *bhajana*. He saw the symbol of "Sun" in some of the meetings. He admitted that the people who used to join the Hyderabad movement used to carry the "Om Flag" and in the Hindi agitation the Satyagrahis used to carry the "Om Flag". He further admitted that the meetings of the Arya Samaj started with the recital of the words in honour of "Om". He denied having sung any song like "Om KA JHANDA PIARA". It has been pointed out that his evidence should not be accepted as true because he was very much interested in the first respondent as he attended all the meetings convened for the purposes of the election by the Haryana Lok Samiti for the benefit of the first respondent. Sher Singh (R.W. 19) is in no better position and his evidence cannot be accepted being of an interested and partisan character. R.W. 10 Jug Lal stated that he attended the meeting in question and he did not see any flags anywhere either inside or outside the meeting. He admitted that he had joined the Satyagrah movement (presumably the Hindi movement) and the Satyagrahis used to carry the "Om Flaks". On the Gurukul Jhajjar the flag hoisted was the "OM". He was a member of the Executive Committee of

the Gurukul Jhajjar. He did not know whether the Gurukul was under the control of the parent body of Arya Pritimidhi Sabha, Punjab. This witness is associated with the first respondent owing to his connections with the Gurukul Jhajjar and the connections of the first respondent with the Arya Pritimidhi Sabha and the various Gurukuls. As regards the first respondent himself, he was naturally interested in denying the use of the "Om Flag" generally on any of the meetings. We shall have an occasion at a later stage to discuss why much reliance cannot be placed on his testimony or that of the agents and supporters. We are consequently satisfied that it has been proved that the "Om Flag" was flying on the *Pandal* of the meeting at Majra Dubaldhan where the first respondent and some of the agents and supporters delivered speeches in furtherance of the election campaign of the first respondent.

As regards the meeting at Jhajjar held on 11th February 1962, the evidence led by the appellant consisted of the following:—

1. Ganesh Dass (P.W. 19)
2. Ram Dhari Balmiki (P.W. 26)
3. Ram Dhari Gaur (P.W. 11)
4. Phul Singh Kataria (P.W. 10)

We do not propose to rely very much on the evidence of Ganesh Dass (P.W. 19) or Ram Dhari Balmiki (P.W. 26) for the reasons already stated. As regards Ram Dhari Gaur who appeared as P.W. 11 he was a candidate for the local Legislative Assembly in the last general elections from Gohana constituency. He stated that he was not aligned with any particular party but had the support of the Haryana Lok Samiti. According to him, the candidates who were seeking election on its support were using the symbol of "Rising Sun". In the meeting at Jhajjar there were two flags displayed, one was of the "Rising Sun" and the other of "Om". He saw a number of motor vehicles around the *pandal*. On those vehicles the flags of "Om" as well as of "Rising Sun" were fluttering. He gave a speech at that meeting as also the first respondent and some of the agents and supporters spoke. He could not say to whom the motor vehicles which carried the "Om" as well as "Rising Sun" flags belonged. After being elected to the local Legislative Assembly he rejoined the Congress. He had joined the Congress organisation in 1945 and left it in 1957. He did not belong to any party between 1957 and 1962. He applied for the Congress ticket in 1957 but was not given one. He stood as an independent candidate in that year but lost the election. He did not apply for the Congress ticket in the year 1952 but canvassed support with the help of the Haryana Lok Samiti. The reason for rejoining the Congress was that he had originally belonged to it and as he thought the sphere of activity while remaining in the Samiti would be narrower than what it would be in the Congress. The Tribunal did not discuss his evidence with regard to the Jhajjar meeting. At any rate, it appears that his political affiliations have been time serving and he seems to be interested in supporting the case of the appellant having rejoined the Congress party. It may not be quite safe to rely on his evidence. As regards Phul Singh Kataria (P.W. 10), he was a member of the Punjab Legislative Assembly from 1957 to 1962 but did not stand for elections in that year. He noticed particularly with regard to the meeting at Jhajjar that every one coming to that meeting had the "Om Flag" flying on the conveyances. The first respondent came in a jeep as also Sher Singh and he saw the "Om Flag" on the jeep of the first respondent. The first item of the meeting was a song sung by Piar Lal which began with "Piera Jhanda Om Ka". He made an attempt to give details of the speeches made by the first respondent and some of the agents and supporters as also other persons at this meeting. He admitted that he had taken no notes and was deposing only from memory. He was elected to the Assembly on Communist ticket when the appellant had also been elected to the Parliamentary seat from the same constituency on that ticket in the 1957 election. The Tribunal considered that the evidence of this witness was of a doubtful character and could not be safely relied upon. We have not been persuaded to take a different view. We would consequently hold that it has not been established that at the meeting at Jhajjar "Om Flag" was flying on the *pandal* or that the first respondent or any of the agents and supporters had made use of the flag on their conveyances at that meeting.

Roop Ram (P.W. 20) whose evidence has already been discussed is the main witness on whom reliance has been placed by Mr. Sibal with regard to the meeting which was held at Badli on 12th February 1962. This meeting, according to him,

started in the same manner as the other meetings about which he had given evidence. There is no specific statement with regard to the use of the "Om Flag" at this meeting by this witness. Therefore noting need further be observed about it.

Coming to the meeting at Bahadurgarh which was held on 18th February 1962. Mr. Sibal has relied mainly on the evidence of Ganchsh Das (P.W. 19) Ram Dhari Balmiki (P.W. 26) and Shiv Narain Vatas (P.W. 32). We have already discarded the evidence of the first two witnesses. (P.W. 32) Shiv Narain Vatas belonged to the Communist party and was a member of the State Council of Communists in this State. The only meeting which he attended was at Bahadurgarh which took place on 18th February 1962 but all that he stated was that the flags of "Om" as well as of "Rising Sun" were being displayed there. He knew that the flag of Arya Samaj was "Om Flag". The statement of this witness with regard to the use of the "Om Flag" was quite general and nothing specific was stated by him. It must consequently be held that the use of the "Om Flag" has not been established at the meeting at Bahadurgarh.

The last meeting was at Rohtak held on 4th February 1962. This does not strictly fall within the Jhajjar Parliamentary constituency but Rohtak being very very near the boundaries of the constituency a good deal of emphasis has been laid on this meeting by Mr. Sibal. The main witness with regard to this meeting is Ram Nath Sapra (P.W. 12) a correspondent of the Tribunal etc. whose evidence has already been discussed before. As this witness is wholly disinterested, his evidence must be accepted. It is established that Piara Lal Bhajnik sang a song for upholding the honour of the "Om Flag" in the presence of the first respondent and that the members of the procession organised by Bharat Singh which preceded the meeting carried "Om Flag".

It has already been seen that the first respondent and the agents and supporters and other witnesses produced on his behalf denied that any use of the "Om Flag" was made at any of the meetings or on the vehicles used either by the first respondent or the agents and supporters. Only Bhagwan Dev (R.W. 20) admitted that he used to carry the "Om Flag" at first on his motor cycle and then on his jeep. That flag had the word "Om" inscribed therein and also at one place his name and Gurukul Jhajjar were inscribed. The flying of the "Om Flag" by him was, of course, explained by saying that he was doing so out of religious conviction and as a matter of habit. Mr. Sibal points out that not much reliance can be placed on the testimony of the first respondent, the agents and supporters or the other witnesses produced by him because apart from partisanship and close religious and social bonds as workers, an attempt was made to go back even on the admissions which had been made in the written statement when the witnesses gave evidence before the Tribunal. It is submitted that with regard to the Bohar meeting held on 2nd and 3rd December 1961 in the written statement it was admitted that that occasion was utilised for election campaign by the Haryana Lok Samiti. Before the Tribunal, however, all the material witnesses of the first respondent stated that there was no talk of elections much less of the election campaign of the Haryana Lok Samiti at that meeting. It is further pointed out that although in the written statement there are admissions with regard to the speeches having been made in respect of Hindi and Punjabi languages, the witnesses denied altogether that they talked of the language controversy or that they ever characterised the appellant as being an enemy of Hindi. As we have finally accepted the testimony of only those witnesses who can be said to be wholly disinterested and independent, the denial by the first respondent, the agents and supporters and his witnesses on the point under consideration cannot be of much avail to him.

A discussion of all this evidence establishes the following facts:—

1. The word "Om" is a religious symbol of the Hindus in general and of the Hindus belonging to the section known as a Arya Samaj in particular. The flag bearing that inscription on it is a religious symbol.
2. "Om Flag" was being flown during the election days on the election offices of the Haryana Lok Samiti at least at Sampla and Rohtak. The office at Sampla was being used by the first respondent for election purposes (statements of P.W. 9 Satya Vrat Bedi and P.W. 14 K. K. Katyal).

3. The Haryana Lok Samiti was generally using the "Om Flag" in furtherance of the prospects of the candidates put up by it *vide* P.W. 6 Sri Ram Sharma and P.W. 12 Ram Nath Sapra.
4. Out of the agents and supporters, Bharat Singh at least once and Bhagwan Dev always are proved to have used the "Om Flag" on their vehicles while attending the meetings convened by the Haryana Lok Samiti for carrying on the election campaign in favour of the first respondent *vide* P.W. 9 Satya Vrat Bedi and R.W. 20 Bhagwan Dev.
5. The "Om Flag" was flying on the pandal of the meeting held at Majra Dubaldhan on 19th January 1962 when the first respondent and most of the agents and supporters delivered speeches in furtherance of the election campaign *vide* Roop Ram P.W. 20.
6. At the meeting held at Rohtak Plare Lal Bhajnik sang a song in the presence of the first respondent, the purport of which was that the honour of the "Om Flag" should be upheld *vide* Ram Nath Sapra P.W. 12.

It is consequently proved—

- (a) The first respondent used an office of the Haryana Lok Samiti on which the "Om Flag" was flying for election purposes and further that he gave election speeches at a pandal where this flag was fluttering and this was done in furtherance of the prospects of his election. He was thus guilty of committing a corrupt practice within the meaning of section 123(3) by making use of a religious symbol in the election.
- (b) Bharat Singh once and Bhagwan Dev always used the "Om Flag" on their conveyances. Most of the agents and supporters delivered speeches under the "Om Flag" at the meeting held at Majra Dubaldhan on 19th January 1962. Plare Lal Bhajnik sang a song, the purport of which was that the honour of "Om Flag" should be upheld and this was done at a meeting convened for election purposes.
- (c) The Haryana Lok Samiti, namely, the party to which the first respondent belonged, was using the "Om Flag" for the purposes of election campaign.

The next question that arise is how far the first respondent consented to the Commission of any corrupt practice by the agents and supporters or by the party to which he belonged. There naturally cannot be any direct evidence on this point and it is from facts and circumstance, alone that consent can be established. According to the decision in *Sheopat Sing v. Harish Chandra* (A.I.R. 1960 S.C. 1217) where a candidate after getting knowledge of the fact of corrupt practice (conveyance of voters to the poll) on a polling day does not prohibit the regular repetition of similar acts on the following polling days, it is a reasonable inference to draw that all the acts were committed not haphazardly but by design and that the candidate must have consented to them. As observed in *Sarla Devi Pathak v. Birendra Singh* (20 F.L.R. 275) consent is a question of fact in every case. It may be expressed or implied. It may be inferred from the acts and conduct of the returned candidate or from other facts and circumstances established in the case. The mere fact of the acts of other persons helping and supporting the election campaign of the returned candidate would not be enough. In the present case, however, it is established that at least Bhagwan Dev used to fly the "Om Flag" on his vehicle whenever he attended any meeting convened by the Haryana Lok Samiti to canvass votes for the first respondent. An explanation has been sought to be furnished that he was doing so on account of his religious conviction or as a matter of habit. Be that as it may, the fact remains that he was repeatedly using the flag in the presence and to the knowledge of the first respondent to which no objection appears to have ever been raised by the latter. Admittedly Bhagwan Dev was an active worker and supporter of the first respondent and was one of those who had signed the so-called "election manifesto" Exhibit R1/3. It must, therefore, be held that he was doing so with the consent of the first respondent. The law of elections is meant to be strictly observed and the first respondent cannot exclaim away the use of the "Om Flag" by Bhagwan Dev as per written statement by merely saying that he was entitled to make use of it owing to his religious conviction. Bharat Singh has been proved to have used the "Om Flag" on his vehicle while he was going to attend the meeting at Jhajjar. He was himself a candidate for an election and it cannot be said with certainty whether he was using the flag for his own election or for the election campaign in respect of the first respondent. As regards the singing of the song in honour of the "Om Flag" by Plare Lal Bhajnik at the Rohtak meeting at which the first

respondent was present, that also must be deemed to have been done with the consent of the first respondent. The whole pattern of the campaign carried on by the Hariana Lok Samiti and the candidates sponsored by it cannot be forgotten nor can it be ignored that the first respondent himself was using the election office at Sampla at the Hariana Lok Samiti for his own election campaign. Furthermore he had himself delivered speeches at Majra Dubaldhan in a pandal over which the "Om Flag" was flying. All these facts and circumstances coupled with the presence of the first respondent at the time when the song was sung by Piaré Lal Bhajnik and the absence of any evidence that any objection was taken by the first respondent to his singing such a song would fully establish that the first respondent had consented to Piaré Lal Bhajnik singing the song in question. It is equally clear from the evidence which has been considered that all this was done for the furtherance of the prospects of the election of the first respondent. As even an isolated act of the use of or appeal to the "Om Flag" would constitute a corrupt practice, it must be held that the commission of corrupt practices under section 123(3) by the first respondent and by some of the agents and supporters with his consent has been established. Once this conclusion is reached, it is unnecessary to decide the effect of the use of the "Om Flag" by the Hariana Lok Samiti being the party to which the first respondent belonged.

As regards the appeal to vote or to refrain from voting on the ground of religion, Mr. Sibal has relied a great deal on the inauguration of the election campaign by the Hariana Lok Samiti at the Bohar meeting on 2nd and 3rd December 1961 which was convened essentially for religious purposes. He has further referred to the poster, Exhibit R1/3, which according to the written statement of the first respondent himself contained the policy and the principles on which he fought the election campaign. This poster had been issued by Sher Singh and Bhagwan Dev appealing to the voters to vote for the first respondent. One of the grounds given therein was that the first respondent had been the Principal Secretary of the Arya Pritinidhi Sabha, Punjab, for five years and was still the Acting President of that body. It was further stated that in the year 1939 he participated in the Satyagrah agitation started by the Arya Samaj against the atrocities committed by the Nawab and that he had to remain in jail for five months for that reason. Another matter prominently mentioned therein was that he was a protector of Vedas and he considered it his prime duty to respect scholars, mother cow and virgin girls. It was his ideal to serve all humanity by rising above considerations of caste or brotherhood. Mr. Sibal invited our attention to Exhibit P. 3, a news item appearing on 7th December 1961 in the Hariana Tilak which admittedly was a newspaper founded by Sri Ram Sharma (P.W. 6) whose evidence has already been discussed with regard to the use of the "Om Flag". The aforesaid news item related to the Bohar meeting and it was stated therein that the first respondent and some of the agents and supporters had delivered speeches there that injustice had been done to Arya Samaj etc. and the people were exhorted not to vote for the Congress for that reason. The emphasis in the various speeches was that no Arya Samajist should vote for the Congress. Ram Chandra Sharma, Editor, Printer and Publisher of this newspaper, appeared as P.W. 5. According to him, he covered the proceedings of the Bohar meeting himself but it was stated by him that the meeting commenced on 1st December 1961. He did not bring the original of the news item which appeared in the Hariana Tilak on 7th December 1961 which appeared to him had been thrown away but he stated that the report which appeared in the newspaper was a true copy of the original. Mr. Rameshwar Dial says that the conference or meeting was held at Bohar on 2nd and 3rd December and not on the 1st and apart from other reasons, this should be sufficient for rejecting the testimony of this witness. The Tribunal also did not rely on his evidence for the various reasons stated in the order with which we are inclined to agree.

Mr. Sibal sought to rely on Exhibit P. 11 a Poster which is stated have been freely distributed and which had been printed at the Samrat Press. P.W. 7 Raghbir Singh, who has one of the partners of that Press, stated that there were four partners in all and the first respondent was one of them. The manuscript and the block of the Poster in question which was dated 15th May, 1961 were given by Hardeo Sahai who was the Secretary of the Cow Protection Committee. The witness did not bring either the manuscript or the block with him which had been returned to Hardeo Sahai. He was not in a position to say why the first respondent alone had been prosecuted for publishing that poster. According to him, the probable reason was that the declaration under the Press Act had been given by the first respondent. Mr. Rameshwar Dial says that there is no mention of this poster in the petition and its publication has not been relied upon as a corrupt practice therein. He further points out that merely because it was printed at a press of which the first respondent is a partner, it cannot be held that it had been done with his consent. As this poster had not been relied upon in the

petition or mentioned in any of the schedules we do not propose to attach any importance to it. P.W. 32 Shiv Naram Vatas who belonged to the Communist Party stated that he was present at the meeting convened by the Haryana Lok Samiti at Bahadurgarh on 18th February 1962. He arrived there when the meeting was in progress and when Budh Dev had just taken his stand on the dias and was about to give his speech. He did not hear his entire speech but he did hear a portion of it. According to him, the appellant was described as a *nastik* as he did not believe in God. Budh Dev exhorted the audience to see that the pair of *nastiks* (Daulta and Bhagwat Dayal) who were seeking election were defeated. He admitted in cross-examination that Mange Ram, a member of the Communist Party was also contesting the election from the Bahadurgarh constituency in the local Vidhan Sabha, although the Communist Party had not set up any candidate for the Jhajjar Parliamentary Constituency but it was supporting Ram Pat who was seeking election on Republican Party ticket. When asked as to why he had not brought such matters to anybody's notice, he stated that the omission to do so was deliberate as he did not want the appellant to be elected because the latter was being treated as a "renegade". He further stated that the appellant did not leave the Communist Party himself but had been expelled by the Provincial Committee in the year 1960. The evidence of this witness has been discussed previously also in connection with the use of the "Om Flag". The Tribunal did not place reliance on him on the ground that if hundreds of "Om Flags" had been displayed at the Bahadurgarh meeting as had been stated by him he give no reason why he did not complain to the higher authorities. He did not hear the entire speech of Budh Dev and it was not comprehensible why Bhagwat Dayal was described as a *nastik*, although he was not a candidate for that constituency. The Tribunal considered that the witness had supported the petitioner because of his close past association with the appellant in the Communist Party. Although the last reason may not be particularly sound for rejecting his testimony we are of the opinion that the other reasons given by the Tribunal justify not placing much reliance on his evidence with regard to the speech attributed to Budh Dev. Mr. Sibal also says that the use of the "Om Flag" by the first respondent was also relevant for the purposes of holding that he had made an appeal in the name of religion to the voters to vote for him. In *Shubnath Deogan v. Ram Narain Prasad* (A.I.R. 1960 S.C. 148) a leaflet had been addressed to the electorate mainly consisting of adivasis issued by the candidate's party consisting of adivasis in the name of a "cock", which was the party symbol in the election and which amongst the adivasis formed a very important and integral part of religious ceremonies. It invoked the wrath of the deities on the electorate in case they forget the cock i.e. forgot to vote for the party of which it was the symbol. According to the majority judgment, when the leaflet stated that food should be given to the cock in the shape of votes what was meant was that the deities would be pleased if votes were cast in the box with the cock symbol. Their Lordships (Subba Rao J. Contra) held that the leaflet was an appeal on grounds of religion, for the substance of it was that it would be an irreligious act not to vote for the party. In the Act as it stood then, there had to be a systematic appeal but the word "systematic" has now been deleted by amending Act 40 of 1961. In *Sangappa Andanappa v. Shwamurthiswamy Siddappayyaswamy* (A.I.R. 1961 Mysore 106) an appeal had been made to the Lingayat voters of the constituency equating the Congress symbol of yoked bullocks with "Shiva's Nandi", the mount of God and also Kalyana Basava, the great reformer and entreating them to vote for a particular Congress candidate on the ground that the votes recorded for the Congress candidate would really be votes recorded for Shiv's Nandi or Kalyana Basava. It was held to be an appeal on grounds of religion or caste falling within section 123(3) of the Act. In *Rustom Satin v. Dr. Sampooranand* (20 E.L.R. 221) where a pamphlet published by a Hindu leader called upon the Hindus to unite and support the respondent in that case (a Hindu) and said that the defeat of the respondent would be the defeat of Hinduism, and the honour of Kashi, it was held that there was a direct appeal to the electors to vote for the respondent on the grounds of religion. There was another pamphlet which contained an appeal to Muslims not to vote for the Communist candidate, as Communists were enemies of the conception of God and they denied the existence of God and disowned every faith and religion and had turned out lakhs of Muslims from their homes. It was held that the pamphlet contained an appeal on the ground of religion to refrain from voting for a candidate. It was also held that an appeal by a number of Hindus to a section of the "Hindus" (the Aggarwals) to vote for the respondent after drawing their attention to the respondent's devotion to the Hindu religion and culture and not to vote for his rival candidate as he was a Communist who was opposed to culture, *dharma* and God, was an appeal on the ground of religion. In *Ram Dial v. Sant Lal* (19 E.L.R. 430) the supreme religious head and Satguru of the Namdhari sect to whose orders his followers attached the greatest religious sanctity, and whose orders were even treated as religious commands, addressed

several meetings of his followers and preached that it was the primary *dharma* of all his followers to help the candidature of the respondent. A number of printed posters were also distributed containing a *farman* headed as a "Hukam" of the Satguru under the signature of the Satguru's son in which it was stated that it was the primary *dharma* of every Namdhari of the constituency to give his vote to the respondent and to canvass votes for him. It was held that the language of the mandate and the general background and circumstances of this case, including the obvious consciousness of the Satguru and the respondent, of the probable and likely effect of such commands on the illiterate, ignorant and credulous followers of the Guru could lead only to one conclusion, viz., that it was intended to convey to them the threat of divine displeasure and spiritual censure if they dared to disobey the *farman* of their supreme spiritual and religious head and thus a corrupt practice had been committed. According to Mr. Rameshwar Dial, the correct view of the law with regard to appeal on the ground of religion is expressed in *Moinuddin B. Harris v. B. P. Divgi* (3 E.L.R. 248). The provision which was being considered was the old section 124(5) of the Act of 1951 which made it a corrupt practice if *inter alia* there was a systematic appeal to vote or to refrain from voting on the grounds of \* \* \* religion etc. The election Tribunal, Bombay proceeded to construe that provision so as to make it conform with the provisions of the Constitution with regard to the fundamental rights guaranteed thereby. After referring to Articles 15, 16 and 19 of the Constitution, it was observed at page 274—

"The discrimination provided against by the Constitution is one on grounds only of religion, race, etc., and not other grounds which are required to be considered or have been considered in making any discrimination between citizens. It is, therefore, in the same spirit that the legislature seems to have enacted section 124(5) of the Representation of the People Act to provide for any discrimination being sought to be made by appealing to voters only on the grounds of caste, race, community or religion, so that a systematic appeal to voters to elect a particular candidate or not to elect him merely because he happens to profess or not to profess a particular religion would be a discrimination against his election to an important position in the State as a legislator, and would be a discrimination against the spirit of the fundamental rights."

The Tribunal proceeded to discuss the question whether an appeal to voters not to vote for a candidate because he or his party was opposed to the Koran or to Islam or to religion generally, came within the mischief of the section. The Tribunal considered that the words "on grounds of religion" had been too broadly used without sufficient qualification and it could not have been intended to make any reference to religion in an appeal to voters at an election a corrupt practice. The Tribunal was of the opinion that it would be open to a person to tell Muslim voters that in view of the attitude which the petitioner had taken, or which the speaker believed he had taken on the question of the teaching of the Koran, he was not a person who could properly represent or further their interests. This case was distinguished by *Dua J.* who delivered the Bench judgment in *Ram Dial's case* (Supra) without expressing any final opinion as to how far the observations contained in the Bombay Tribunal's decision laid down the law correctly. In the present case the questions which were decided by the Bombay Tribunal do not arise. All that has been established is that the Harijans Lok Samiti inaugurated the election campaign at the Bohar meeting which was essentially convened for religious purposes. As to the speeches that were delivered at that meeting the evidence is conflicting and unsatisfactory. The only other thing proved is the poster, Exhibit R1/3, which admittedly contained the policy and the principles on which the first respondent fought the election campaign. It is no doubt true that while describing the qualifications and achievements of the first respondent it was stated that he had been an important office bearer of the Arya Pratinidhi Sabha and that he had participated in the Satyagrah agitation started by the Arya Samaj at Hyderabad in the year 1939 and that he had great respect for scholars, mother cow, virgin girls etc., but this does not seem to contain the ingredients of an appeal on the ground of the religion. None of the cases to which reference has been made or which were cited before us by the learned counsel for the parties contains any observations which may support the contention of Mr. Sibal that these statements made in Exhibit R1/3 could be regarded as an appeal by the first respondent to vote on the ground of his religion.

It will be useful at this stage to refer to the charges in the material provisions of the Act with regard to corrupt practices which have been made from time to time. Originally section 124 dealt with what was called minor corrupt practices.

Sub-section (5) of that section made systematic appeal to vote on refrain from voting on grounds of caste, race, community or religion etc., a corrupt practice. By section 66 of the amending Act No. 27 of 1956, a new Chapter was added for Chapters I and II in Part VII of the principal Act. Section 123 as substituted related to corrupt practices, sub-section (3) of which was to the effect—

"123. The following shall be deemed to be corrupt practices for the purposes of this Act:—

- \* \* \*
- (3) The systematic appeal by a candidate or his agent or by any other person to vote or refrain from voting on grounds of caste, race, community or religion or the use of, or appeal to religious symbols or the use of, or appeal to, national symbols, such as the national flag or the national emblem, for the furtherance of the prospects of that candidate's election."

By Amending Act No. 58 of 1958 in section 123(3) after the words "any other person" the words "with the consent of a candidate or his election agent" were inserted. Finally by the amending Act No. 40 of 1961 for clause (3) two clauses (3) and (3A) were substituted which have been set out in the earlier part of the judgment. Thus the word "his" which qualifies religion, race, etc. came to be inserted for the first time in 1961. The intention essentially, therefore, is to make any appeal to vote for any candidate on the ground of his religion or refrain from voting on the ground of their religion of the opposing candidate a corrupt practice, but as has been observed before, no such corrupt practice has been established on the part of the first respondent or the agents or supporters with his consent. Coming to the question of appeal to vote on the ground of caste and community. It has been pointed out by Mr. Sibal that according to P.W. 26 Ram Dhari Balmiki at the meeting at Majra Dubaldhan held on 19th January 1962 one Attar Singh Dhanak complained of the discriminatory practices followed by the Congress Party in giving tickets in the elections to Chamars only and not to Balmikis and Dhanaks of the Scheduled Castes. He appealed to the members of his community present in that meeting to vote for the candidates of the Haryana Lok Samiti if they wanted him to be elected as a candidate because he was a candidate set up by the Samiti. This witness stated that he himself gave a speech in which he endorsed the views expressed by Attar Singh Dhanak and appealed for votes to the Balmikis present there. All this was done in the presence of the first respondent. Sukhi Ram (P.W. 23) made a statement in similar terms. We have not been persuaded to rely on the testimony of these witnesses as had been discussed before and, therefore, it is not possible to hold that any appeal was made on the ground of caste, as has been alleged.

Mr. Sibal has argued next that an appeal was made by the first respondent on the ground of community, the gravamen of the charge being that it was a part of the election campaign to emphasise that the people living in Haryana area were being discriminated against by the Congress Government and it was essential that the first respondent should be elected in order to save the Haryana People from backwardness etc. For this purpose reliance has been placed on Exhibit R1/2, a pamphlet issued by the Haryana Lok Samiti entitled "Haryana Lok Samiti Kicon" in which it was asserted that apart from other matters, the Samiti would promote the interests of the Haryana area in all fields and would virtually fight for rights and privileges for the Haryana region. It was R.W. 20 Bhagwan Dev who admitted that the main purport of his speech which he made at the various meetings was that in spite of the sacrifices made by the Haryana people in 1857 the British had done great injustice to them by severing them from Agra Province and tacking them on with the Punjab State. The result has been that Haryana was a very backward area. He also used to complain of the discrimination shown by the State Government in the matter or services as well as of beneficial projects concerning development between the two areas of this State and according to him the Government was favouring the Punjabi speaking area. Sher Singh (R.W. 19) deposed that in the meeting at Beri he had criticised the local Government regarding the discrimination shown between the Hindi and Punjabi regions and had supported his speech by quoting facts and figures. These speeches were delivered in the presence of the first respondent to which he raised no objection. In what may be called "the election manifesto", Exhibit R1/3 it was stated that the Haryana region was being pushed backward from the political point of view. Discrimination was being made in the matter of education and services as also other beneficial schemes. It was further stated that the first respondent was standing as a candidate on the permission of the well-wishers of the Haryana region as also of other important personalities. A good deal of emphasis has been laid by Mr. Sibal on the further statement contained in this poster which was to the effect that to vote for the first respondent was to vote for the economic development of the Haryana region, promotion of Indian culture and integration of Indian nationalism.

According to Mr. Sibal, the appeal that was thus made was on the ground of the first respondent's community which may be called the community of the Hindi region or the Haryana region. It is submitted that there can be a regional community as also a linguistic community and, therefore, the evidence which had been produced was enough to establish the aforesaid corrupt practice on the part of the first respondent as also the agents and supporters with his consent. Our attention has been invited to the meaning of the word "community" in sub-section (3) of section 123. In *Ashfaq Ali Khan v. Darshan Singh* (20 E.L.R. 136). It has been observed that the word as employed in the aforesaid provision would refer to communities formed on the basis of common interest other than religion, e.g., the Bengali community or the Punjabi community in Uttar Pradesh. The Allahabad Court referred to one of the meanings of the word "community" given in the Oxford Dictionary as "body of men having religion, profession, etc." In common e.g., mercantile community. Jewish community." In Webster's New International Dictionary, Vol. 1, at page 542, no reference is made to "community" as having been constituted on the basis of religion. It is constituted on the basis of basis of residence in a particular locality or having other interests in common. The Allahabad Court was of the view that in this country persons belonging to the same religion are also referred to as being members of a community and the meaning as given in the Oxford Dictionary appears to be the meaning in which the word has been used. In *Sudhir Laxman Handra v. Shripat Amrit Dange* (A.L.R. 1960 Bom. 249). It was held that the term "community" could not in the context of section 123(3) be confined to a religious community only. In *Khilumal Topandas v. Arijundas Tulidas* (22 E.L.R. 404) the Rajasthan Court expressed the view that having regard to the intention of the Legislature and to the association of the words "caste, race and religion" with the word "community", the meaning of the word "community" must be restricted, and it should be read as meaning a body which has been formed, organised or has come into existence on the basis of caste, race or religion or any other factor contributing or leading to the division of the nation. It is only when the organisation of the community is such as aims to divide the citizens of the country and releases forces antagonistic to the unity of the country that it comes within the purview of section 123(3). In that case refugees from Sind who were mostly Sindhis formed themselves into a party called the Pursharthi Panchayat which was recognised as a political party by the Election Commission. An appeal was made by a member of the party to the other members of the party to vote for him. The Rajasthan Court did not consider that it was an appeal to Sindhis on the ground of community within the meaning of section 123(3) of the Act. Mr. Rameshwar Dial says that section 123(3) cannot and does not prohibit an appeal to vote or refrain from voting on the grounds of misdeeds or supposed misdeeds of a political party even though the appeal may be directed to the members of a particular caste or community, and is based on the alleged misdeeds of that party against that particular caste or community. He has relied on *Raja Vijai Kumar Tripathi v. Ram Saran Yadav* (22 E.L.R. 289) in which the Allahabad Court held that speeches made in meetings of a federation of backward castes including Hindus, Muslims and members of other castes, who are economically and socially backward, criticising the Congress for not having fairly treated such castes not helped the members of such castes. In which no appeal was made to vote or refrain from voting for a particular candidate did not come within section 123(3). He also urged that if any particular area or region in the country or State has any grievance in the matter of treatment accorded to its inhabitants by the ruling party or the Government. It has every right and it is legitimate in a democratic form of Government to ventilate its grievances and to say to the electorate that its interest would be safe in the hands of a particular candidate or that he would espouse the cause of that community. Mr. Rameshwar Dial relies on the decisions of the Tribunals in *Shiv Dutt v. Banarsidas Dhangar* (9 E.L.R. 324) and *Kataria Takandas Hemraj v. Pinto Frederick Michael* (18 E.L.R. 403), according to which the word "community" used in the relevant provisions of the Act in collection of the words "caste, race and religion" must be given narrower meaning than the dictionary meaning of "a body of people having common interest." In the second case that test was applied where an appeal had been made to all sections of the residents of the Maharashtra area without any distinction of caste, religion or faith that they should not vote for the Congress candidate as the Congress Government had resorted to firing and killed Maharashtra leaders for demanding a separate Maharashtra State and the photos of the martyrs who had been killed were attached to the appeal and it was even stated that the ballot box of the Congress Party was filled with the blood of Maharashtra martyrs. After giving the matter due consideration, we are inclined to the view that the people living in the Haryana region cannot be regarded as a community in the sense in which that word has been employed in section 123(3), with respect we are inclined to agree with the view of the Rajasthan High Court in *Khilumal Topandas'* case (supra) that the meaning of this word in that section must be

restricted and it should be read as meaning a sectional body which exists or has been organised more or less on the basis of fissiparous and antinational objections. The suggestion of Mr. Sibal is that the people of Haryana have been agitating for a separation from the Punjab State but he has not been able to refer to any cogent material on the record from which it can be inferred that the people of Haryana are organised as a community on such separatist and anti-national basis. It is difficult to agree with Mr. Sibal that the people belonging to a particular area or region cannot ask for redress of their grievances in the matter of policy of the Government towards educational, economic and other matters *vis-a-vis* the people inhabiting a particular district or combination of districts or a geographical unit. We are therefore, holding that no corrupt practice was committed by the first respondent on the aforesaid ground.

The next question which is of substantial importance is whether the first respondent issued appeals to vote or refrain from voting on the ground of his language. It is common ground that the language of the first respondent is Hindi whereas that of the appellant other than Hindi. In paragraph 9 of the written statement of the first respondent, it was admitted that the Haryana Lok Samiti included the protection of Hindi language and script as a part of its electioneering programme but it was denied that it made that body identical with the Arya Samaj simply because both these bodies were opposed to the Government's attempt to force the teaching of Punjabi in Gurmukhi script on young boys and girls of Haryana or to force any language on unwilling people. It was further admitted in the summary of the particulars of the meeting held on 10th December 1961 in village Bori that the first respondent delivered a speech in which substantially he stated:—

"Shri Daulta is a person without principles. At first, he was a member of the Zamindara League and worked for it. In 1952 he fought the elections as an independent candidate. In 1957 he fought as a candidate of the Communist Party and was elected M. P. For his own selfish ends he joined the Congress after he had been expelled by the Communist party after the "Mohangarh incident. All that went to show is that he is a person without any principles and is an opportunist. Shri Daulta joined hands with the Government in forcing Punjabi on the Haryana people and he opposed the language movement."

It was further admitted that Badlu Ram made a speech saying something like this "where were Pt. Bhagwat Dayal and Daulta when Shri Sidhanti and Sher Singh were imprisoned during the Hindi Andolan." It was also stated that Bhagwan Dev appealed to the audience to vote for the candidates of the Haryana Lok Samiti as one of its objects would be to fight against compulsory imposition of Punjabi. Harphul Singh (R. W. 8) stated that at the meeting at Beri the first respondent made a speech that no one should vote for the appellant as he was a man with no principle and he appealed to them to vote for him. The witness then proceeded to say:—

"He did not say anything else in regard to Daulta Sahib. (Note:—Now the witness says that he dubbed Daulta Sahib as an opponent of Hindi also").

According to this witness, the gist of the speech of Bhagwan Dev was that the forcible imposition of Gurmukhi upon the people of Hindi speaking area was highly detrimental to the future career of their children. Badlu Ram warned the people not to vote for Bhagwat Dayal or the appellant as they were prominent by their absence at the time of the Hindi agitation movement and due to such conduct no vote should be given to them. As regards the meeting at Sampla it was admitted that the substance of the speech given by the first respondent was the same as had been reproduced with regard to the meeting at Beri. In the summary of the particulars relating to the meeting held at Ladpur on 16th January 1962 the first respondent admitted that in his speech Bhagwan Dev pointed out the part played by the appellant and other "Congresswalas" in suppressing the language movement. He wanted the people to vote for the candidates of the Haryana Lok Samiti. The reply of the first respondent contained in the summary of the particulars of the meeting held at Majra Dubaldhan was—

"The answering respondent made a speech but the words attributed to him by the petitioner are denied to have been uttered. It was usual with him to make a speech, the substance of which has already been given in respect of the meeting at Beri village."

With regard to the meeting at Bahadurgarh it was stated that the first respondent in his speech referred to the opposition of the Government and its supporter, the petitioner, to the language movement. In Exhibit R1/3 which may be regarded as the election manifesto issued on behalf of the first respondent, it was stated that one of the matters mentioned was that in 1957 the first respondent had been selected as the Principal Secretary for the Punjab Hindi Satyagarh Andolan. It was further stated that he had given a speech at Delhi in the presence of 70 to 75 thousand people after breaking the police cordon when he was arrested and thereafter remained in jail for 5 months in connection with that agitation.

According to Mr. Sibal, the above evidence apart from a good deal of other material on the record showed that the first respondent had appealed to the voters to vote for him on the ground of his language which was Hindi and had also asked the voters to refrain from voting for the appellant who was described as an opponent of the Hindi language and a supporter of the imposition Punjabi in Gurmukhi script on the people of Haryana. It is pointed out that the first respondent was actively associated with the Hindi agitation movement in 1957 and the burden of the pamphlet, Exhibit R1/2, was that Punjabi was being forced on the people of Haryana whereas it was the national language, namely, Hindi which should receive proper treatment and encouragement at the hands of the Government and that when an appeal was being made to vote on the ground that the first respondent had been actively associated with the Hindi agitation in 1957 there can be no doubt that he was asking for votes on the ground of his language, namely, Hindi. A great deal of emphasis has been made on the admission in the written statement as also the evidence of R. W. 8 Harphul Singh which according to Mr. Sibal clearly establish that votes were being sought either by the first respondent or the agents and supporters in his presence persistently which would be with his consent on the basis that the language of the first respondent was Hindi and that he would champion its cause and resist the imposition of the rival language, namely, Punjabi and further it was suggested all the time that the appellant was hostile to the cause of Hindi which was not his language and was a supporter of the Punjabi language as the Government wanted to impose it forcibly on the Haryana people. Mr. Rameshwar Dial does not dispute the fact that the broad policy and object of the Haryana Lok Samiti as also the first respondent was to champion the cause of Hindi language, particularly in respect of the people living in the Haryana region and to oppose what was called the imposition of Punjabi language in Gurmukhi script on the people there. He submits that where the language policy of the Government or of the rival political party is subject to criticism or the cause of the language which happens to be the language of a candidate is espoused it does not follow that an appeal is being made to vote on the ground of language. He largely relied on *Ghayur Ali Khan v. Kas'har Gupta* (16 E. L. R. 154) in which the question was whether the criticism of the language policy of the Uttar Pradesh Government would constitute a corrupt practice. It was observed that many Hindus specially those belonging to the western district are stated to be in favour of retaining Urdu also as one of the regional languages and that could not be regarded as an appeal on the ground of religion or community. The observations of the Allahabad Court in that case were confined to a consideration of that question from the point of view of an appeal having been made on the ground of religion or community. Indeed, in section 123(3), as it stood then, the word "language" did not exist. It is for the first time that it was introduced by the amending Act No. 40 of 1961. The suggestion of Mr. Sibal is that this was presumably done because of the linguistic riots in various parts of the country out of which mention may be made of the troubles in Assam and Bombay. The Parliament in its wisdom decided that all appeals on the ground of language in the matter of elections should also be made corrupt practices because of the baneful and highly explosive tendencies of such appeals resulting in linguistic riots. Mr. Sibal says that even if that was not the reason for inserting the word "language" for the first time in section 123(3), it is obvious that the Parliament intended to eliminate all possibilities of an election being fought on the grounds of religion, race, caste, community and language. Moreover, appeal on the ground of a person's language would have the same effect on the minds of the voters as an appeal on the ground of religion, race, caste or community. Mr. Rameshwar Dial points out that Article 29 of the Constitution confers a fundamental right in the following words:—

"Any section of the citizens residing in the territory of India or any part thereof having a distinct language, script or culture of its own shall have the right to conserve the same."

He submits, therefore, that if the people living in the Haryana region have a distinct language or script, viz. Hindi of its own, they have a right ~~to conserve the same~~.

the same and for that purpose it could never have been intended by the Parliament that an appeal on the ground of safeguarding the interest of that language or script should be made a corrupt practice. In *Jamuna Prasad Mukharya v. Lachhi Ram* (10 E. L. R. 120) the constitutionality of sections 123(5) and 124(5) of the Act, as they stood prior to the amendments, was challenged on the ground that they were violative of articles 19(1)(a) of the Constitution. It was contended before their Lordships of the Supreme Court that Article 245(1) prohibits the making of laws which violate the Constitution and that the impugned sections interfere with the citizen's fundamental right to freedom of speech. The following observations made in that case are noteworthy:—

“There is nothing in this contention. These laws do not stop a man from speaking. They merely prescribe conditions which must be observed if he wants to enter Parliament. The right to stand as a candidate and contest an election is not a common law right. It is a special right created by the statute and can only be exercised on the conditions laid down by the statute. The Fundamental Rights Chapter has no bearing on a right like this created by statute. The appellants have no fundamental right to be elected members of Parliament. If they want that, they must observe the rules”.

Mr. Rameshwar Dial, therefore, cannot invoke the provisions of Article 29 and suggest that the provisions contained, particularly about language in section 123(3), are derogatory of the fundamental rights conferred by Article 29. It is clear from a plain reading of that provision that any appeal by a candidate to the electors to vote for him on the ground of his language or to refrain from voting for any person on the ground of his language would be a corrupt practice. The simplest case would be where a candidate says to the voters that he speaks a particular language and, therefore, they should vote for him, but the appeal on the ground of language can be also made by saying that the language of the candidate is Hindi, as it is in the case of the first respondent and that if they did not vote for him, the cause of that language will be thrown in jeopardy or will suffer very much at the hands of the opposing candidate who does not profess either to speak that language or to support its cause and who on the contrary would support the imposition of another language contrary to the wishes of the inhabitants of a particular region. By way of analogy if a candidate addresses an appeal to his co-religionists to vote for him on the ground of religion, that would according to all decisions amount to an appeal on the ground of religion. Similarly when the party which sponsored the election of the first respondent admittedly included the protection of Hindi language and script as a part of the electioneering programme and in his speeches the first respondent and the agents and supporters in his presence kept on emphasising that if the appellant was elected, Punjabi language would be forced on the Harijans people as the latter was an opponent of the Hindi language and when the claims of the first respondent were based also on the prominent and active part which he had taken in the Hindi Satyagrah movement in 1957 there can be little doubt that an appeal was being made to all the Hindi speaking persons to vote for the first respondent on the ground of his language, namely, Hindi and to refrain from voting for the appellant for the reason that Hindi was not his language. There may be on principle no objection to a candidate for election criticising the policies of the Government including its language policy but what has to be seen is whether in doing so he is not transgressing the limit set by the express provision in the statute which appears to have been deliberately made stringent by the Parliament owing to the various reasons suggested by Mr. Sibal to which reference has already been made. As is well-known, it is not for the Court to speculate on the propriety or otherwise of a particular statutory provision and the consequences flowing from it which may lead to results which may not be in consonance with the accepted or normal notions with regard to expression of views on various matters but as has been observed by their Lordships in *Jamuna Prasad Mukharia's case*, no body has a right to be elected as a member and if he wants that he must observe the rules. The Tribunal hardly devoted any attention to this aspect of the case and has practically given no cogent or proper decision in respect of it. We are constrained to hold that the first respondent was guilty of the corrupt practice of appealing for votes on the ground of his language and of asking the voters to refrain from voting for the appellant on the ground of his language. It cannot be seriously disputed that the appeals on the ground of language which were being made by the agents and supporters in the presence of the first respondent not only at one meeting but at a number of meetings repeatedly must be deemed to have been made, with his consent. It is also abundantly clear that, all this was being done to further the prospects of the election of the first respondent and to prejudicially affect the election of the appellant.

It has also been contended that an attempt was made by the first respondent to exercise undue influence within the meaning of proviso (a) (ii) of section 123(2). That provision has already been reproduced in the earlier part of the judgement. For this purpose it has been suggested that Budh Dev, who is a religious head of the Arya Samaj, with the consent of the first respondent induced or attempted to induce the electors to believe that they would be rendered object of divine displeasure or spiritual censure, if they did not vote for the first respondent. It is pointed out that at most of the meetings which were convened by the Haryana Lok Samiti, of which mention has already been made, and which were attended by Budh Dev, he used to give *ashirbad* before the meeting would end. He would administer an oath to the audience for voting for the Haryana Lok Samiti by saying that he was Brahm and that anybody violating the pledge to Brahm would go to hell. The wording may have varied at different meetings but the main purport of the oath alleged to have been administered by Budh Dev was on the lines indicated above. A number of witnesses who had been produced by the appellant gave testimony to that effect, e.g., P.W. 11, P.W. 19, P.W. 10, P.W. 26, P.W. 5 and P.W. 8. For the reasons which have already been discussed before, it is not possible to place much reliance on the evidence of these witnesses. P.W. 12 Ram Nath Sapra, a correspondent of the daily Tribune, Hindustan Times, etc., stated that he attended the meeting held in Anaj Mandi in Rohtak. The last person who addressed that meeting was Budh Dev. The following part of this witness's statement may be reproduced as recorded:—

"After giving his *ashirbad* to the audience enjoined them to vote for the candidates set up by the Haryana Lok Samiti and to raise their hands in token of support. After the people present there had raised their hands the meeting came to an end."

\*There is a note recorded by the Tribunal which must also be reproduced:—

There is a note recorded by the Tribunal which must also be reproduced:— that *paran karo* and that has not been taken down. The learned counsel for the other side objects that he had not said this earlier. I also do not recollect whether he has said it but I think it is fit that this matter should be cleared at this very state. The witness says that he has said it.)"

According to Budh Dev (R.W.18) it was incorrect that he had misused his position as the President of the Gurukul section of Arya Samaj. He denied having taken advantage of the regard which people had for him as *dada* by asking them to vote for the Samiti candidate on the ground of Arya Samaj and Hindi language. He further stated that he never gave any *ashirbad* to the audience in any one of the meetings. As regards *ashirbad*, he stated that he did not believe in *ashirbad* and his arguments used to be his *ashirbad*. He said that he used to give various reasons when the people asked for *ashirbad*. "I believe in arguments." A question was then put to him whether he said anything else in these meetings and the answer given was:—

"Even after being convinced by my arguments but out of temptation in form of money or wine offered to you, you sell your vote, then this beautiful country of ours will be turned into a veritable hell. In the end I used to ask if they were satisfied with my arguments then they should raise their hands in token of the fact that they were convinced. Almost the entire gathering present used to raise their hands. It is incorrect that I used to tell people that if they did not cast their vote for samiti candidates they will go to *Narak*."

Even if it be assumed that whatever was said about Budh Dev was with the consent of the first respondent, it is not possible to see how any undue influence was exercised by him as a religious head within the meaning of proviso (a) (ii) of section 123(2). The only evidence on which we are prepared to place reliance is that of Ram Nath Sapra and that does not indicate that he involved any kind of divine displeasure or spiritual censure in the event of the electors not voting for the first respondent. Mr. Sibal says that Budh Dev admitted the use of the word "Hell" in the passage set out above and this showed that he was invoking some kind of divine displeasure or spiritual censure in the matter. It is obvious from the context in which the word "hell" has been used that no such meaning can be attributed to it as would bring it within the ambit of proviso (a) (ii) of section 123(2). We are not even satisfied that Budh Dev was such a religious head that ' was in a position to exercise any undue

influence of the nature contemplated by the statutory provision in question. Mr. Sibal then suggested that since he was a very respected personage in the Arya Samaj, his taking a pledge from the voters present at the meetings to vote for the first respondent would amount to exercise of undue influence within the opening part of section 123(2). Merely because some leader of a particular section of community takes a pledge from the voters present at a meeting that they would vote for a particular candidate, it cannot be said that he is exercising any undue influence on them. Political and social leaders do go about canvassing for votes for the candidates and that is a normal pattern of the electioneering campaign. Mr. Sibal has not been able to refer to any principle or authority on which it can be decided that any such action on the part of Budh Dev would amount to exercise of undue influence within the meaning of section 123(2).

The last matter can be disposed of shortly as it was raised only in half-hearted manner. It was contended that the first respondent and the agents and supporters had committed a corrupt practice under section 123(3A) by attempting to promote feelings of hatred between different classes of citizens on the ground of religion, race, caste, community and language. In the main, the suggestion is that in the speeches delivered at the election meetings it was brought out prominently that the Congress party had entered into an unholy alliance with the Akalis who were a communal organisation and the interests of the Hindus had been placed in grave peril and that the people of the Haryana region should resist the imposition of a language foreign to their culture and traditions, namely, Punjabi and thus a great deal of bitterness and hatred had been created between the Hindus and the Sikhs residing in the Punjab State. The argument which has been addressed could not be substantiated from such evidence which we consider reliable and dependable. Consequently it cannot be held that any such corrupt practice as alleged has been established to have been committed by the first respondent or the agents and supporters with his consent.

Mr. Rameshwar Dial raised certain points which are based mainly on the cross-objections which were filed on behalf of the first respondent under Order XXI, rule 22 of the Code of Civil Procedure. It has been contended that the Tribunal should have given a decision about the constitutionality of the provisions contained in sub-sections (3) and (3A) of section 123. It was sought to be argued before us that these provisions are violative of the fundamental rights conferred by Articles 25 and 29 of the Constitution. Mr. Rameshwar Dial, however, agreed that in view of the decision of the Supreme Court in *Jamuna Prasad Mukhariya's case* to which reference has already been made, there is no room for argument left now on the aforesaid question. Mr. Rameshwar Dial has laid a good deal of emphasis on the Tribunal allowing and admitting irrelevant and inadmissible evidence which according to him has caused prejudice to the case of the first respondent. As has been mentioned at a previous stage, according to Mr. Rameshwar Dial particulars in respect of corrupt practices were not given relating to the use of the "Om Flag" in the processions or the raising of the slogans as also the distribution of pamphlets like Exhibit P. 11 and yet the Tribunal allowed the evidence to be led with regard to these matters. Our attention has been invited to the observations in *Maharaja Sris Chandra Nandy v. Rakhalananda Thakur* (A.I.R. 1941 P.C. 16) where in a note of caution was sounded against exercising a dispensing power in the matter of admission of evidence which was not admissible under the statute. This objection has already been dealt with and we have avoided taking into consideration any evidence which was neither relevant nor admissible under the Evidence Act. It may be mentioned once again that no objection was taken by the first respondent or his counsel to the admission of certain evidence to which objection has been taken before us. It has not been shown that any prejudice was caused to him owing to that evidence having been admitted on matters of which proper particulars had not been given. Indeed, it appears that he was quite alive to the same and he even attempted to produce evidence in rebuttal. The objection raised, therefore, is of no consequence.

It has next been contended that the appellant's affidavit relating to allegations of corrupt practices accompanying the petition did not comply with the proviso to section 83(i) and the petition was liable to be dismissed and the allegations struck out for non-compliance with that proviso. The proviso is to the effect that where the petitioner alleges any corrupt practice, the petition shall also be accompanied by an affidavit in the prescribed form in support of the allegation of such corrupt practice and the particulars thereof. It is true that the affidavit which accompanied the petition was not strictly according

to the prescribed form. The Tribunal disposed of this matter by an order dated 16th August 1962. According to that order, the affidavit which has been filed along with the petition though not in the prescribed form as also the averments in the petition and no illegality had been committed. In other words, the affidavit which had been filed was considered to be sufficient to satisfy the requirement of the proviso in question. Against this order, a petition under Articles 226 and 227 was brought to this Court (Civil Writ No. 1359 of 1962) which was disposed of by Tek Chand J. on 3rd October 1962. He, however, declined to interfere on the ground that the petition was pre-mature and mis-conceived and that there was a right of appeal to this Court from the order of the Election Tribunal. Mr. Rameshwar Dial contends that non-compliance with the proviso would entail the dismissal of the petition. Section 85, however, provides that if the provisions of section 81 or section 82 or section 117 have not been complied with, the Election Commission shall dismiss the petition. This shows that non-compliance with the provisions contained in section 83 cannot be a ground for dismissal of the petition by the Election Commission. Section 90(3) is to the effect that the Tribunal shall dismiss an election petition which does not comply with the provisions of section 81 or section 82 notwithstanding that it has not been dismissed by the Election Commission under section 85. As non-compliance with the provisions of section 83 is not fatal to the petition, we are of the view that the requirements of the proviso are merely directory and not mandatory. In *Jagan Nath v. Jaswant Singh* (9 E.L.R. 231) the Supreme Court had to consider whether the provision contained in section 82 of the Representation of People Act, 1951, that all duly nominated candidates shall be joined as parties to an election petition was directory or mandatory. It was held according to the provisions as they then stood that failure to implead a candidate who had withdrawn his candidature was not a fatal defect as the provision contained in section 82 was only directory and not mandatory. We cannot consequently hold that the petition was liable to be dismissed or the allegations with regard to corrupt practices struck off for want of strict compliance with the requirements of the proviso to section 83 of the Act, e.g., failure to file the affidavit in the prescribed form.

Lastly, it was contended that the Tribunal should have allowed the entire costs incurred by the first respondent as required by the proviso to section 120(i). It is pointed out that the Tribunal allowed a sum of Rs. 1,500/- only whereas a sum of Rs. 6,626/- was assessed as the total amount of costs incurred by the first respondent. As we are allowing the appeal and the petition is going to succeed, this question does not call for any decision.

In the result, it must be held that the appellant has been successful in proving that corrupt practices under section 123(3) have been committed by the first respondent or by some of the agents and supporters (as per finding given) with his consent by making use of and appeal to a religious symbol, namely, the "Om Flag" for the furtherance of the prospects of the election of the first respondent and by appealing to the electors to vote for the first respondent on the ground of his language or to refrain from voting for the appellant on the same ground and that all the other alleged corrupt practice have not been established. The appeal is consequently allowed and the election of first respondent is hereby declared to be void under section 100(1)(b) of the Act.

The cross-objection, however, fail and are dismissed.

As only two of the charges of corrupt practice have been established and the other have not been proved, we leave the parties to bear their own costs in this Court in both the appeal and the cross-objections throughout.

Sd./- A. N. GROVER, Judge.

Sd./- S. S. DUTTA, Judge.

The 31st May 1963.  
Words: 27.950.  
Fecs: Rs. 70.00.

True Copy  
Sd /- \* \* \*  
Supervisor Copy Branch  
(To be referred to the Reporter.)

Sd./- \* \* \*  
21-6-1963

The Seal of the High Court of Punjab.  
[No. 82/42/62.]

*New Delhi, the 24th July 1963*

**S.O. 2119**—It is hereby notified for general information that the disqualification under clause (c) of section 7 of the Representation of the People Act, 1951, incurred by the person whose name and address are given below, has been removed by the Election Commission in exercise of the powers conferred on it by the said clause and section of the said Act —

SCHEDULE

Name and address of the disqualified candidate	Serial No. and name of Constituency	Commission's notification No. and date under which disqualified
1	2	3
Shri Balkrishan Vishwanath Keskar, 3-Kushak Road, New Delhi	68 Farrukhabad	UP-HP/68 63-Bye (3) dated the 4th July, 1963.

[No. UP—EP/68/63—Bye (3) /19323].

By Order

W RAGHAVAN Under Secy.

**MINISTRY OF HOME AFFAIRS**

*New Delhi, the 25th July 1963*

**S.O. 2120**—In exercise of the powers conferred by entry 3(c) of Schedule I annexed to the Ministry of Home Affairs Notification No 15/13/59-(V)-P IV dated the 13th July 1962 (GSR No. 991, published in the Gazette of India Part II, Section 3 subsection (ii) dated the 28th July 1962) the Central Government is pleased to specify that Shri Karansinhji son of late Ranaji Shri Harisinhji Ex Ruier of Wav, for the purpose of that entry and directs that the exemption shall be valid in respect of one 9 mm Mauzer rifle SBB L and one 12 bore DBBL Gun only

[No 16/12/63-PIV.]

L I PARIJA, Dy Secy.

**MINISTRY OF FINANCE**

(Department of Economic Affairs)

*New Delhi, the 24th July 1963*

**S.O. 2121**—In exercise of the powers conferred by rule 126X, read with sub-rule (3), of rule 126C of the Defence of India Rules 1962, the Central Government hereby specifies the 31st day of August, 1963 as the date after the expiry of which every person who makes manufactures or sells any primary gold shall put a stamp on each piece of primary gold—

- (i) certifying the purity of gold contained in such primary gold and the date of making or manufacturing thereof, and
- (ii) containing descriptive and other particulars which may enable the identification of the maker or manufacturer of such primary gold

[No F 1/62/63-GC ]

R K SESHADRI, Dy Secy.

## (Department of Economic Affairs)

New Delhi, the 29th July 1963

S.O. 2122.—Statement of the Affairs of the Reserve Bank of India, as on the 19th Jul 1963  
BANKING DEPARTMENT

LIABILITIES	Rs.	ASSETS	Rs.
Capital paid up . . . . .	5,00,00,000	Notes . . . . .	19,22,97,000
Reserve Fund . . . . .	80,00,00,000	Rupee Coin . . . . .	2,28,000
National Agricultural Credit (Long Term Operations) Fund . . . . .	73,00,00,000	Small Coin . . . . .	2,43,000
National Agricultural Credit (Stabilisation) Fund . . . . .	8,00,00,000	National Agricultural Credit (Long Term Operations) Fund	
Deposits:—		(a) Loans and Advances to:—	
(a) Government		(i) State Governments . . . . .	27,16,75,000
(i) Central Government . . . . .	54,95,38,000	(ii) State Co-operative Banks . . . . .	10,52,60,000
(ii) State Governments . . . . .	15,82,48,000	(iii) Central Land Mortgage Banks . . . . .	
(b) Banks		(b) Investment in Central Land Mortgage Bank Debentures . . . . .	3,50,57,000
(i) Scheduled Banks . . . . .	109,51,25,000	National Agricultural Credit (Stabilisation) Fund	
(ii) State Co-operative Banks . . . . .	2,51,55,000	Loans and Advances to State Co-operative Banks . . . . .	..
(iii) Other Banks . . . . .	4,15,000	Bills purchased and Discounted:—	
(c) Others . . . . .	207,04,62,000	(a) Internal . . . . .	..
Bills Payable . . . . .	31,18,29,000	(b) External . . . . .	..
Other Liabilities . . . . .	17,39,75,000	(c) Government Treasury Bills . . . . .	55,51,47,000
		Balances Held Abroad* . . . . .	6,28,59,000
		Loans and Advances to Governments** . . . . .	23,66,82,000
		Loans and Advances to:—	
		(i) Scheduled Banks† . . . . .	47,10,000
		(ii) State Co-operative Banks†† . . . . .	111,07,46,000
		(iii) Others . . . . .	1,43,80,000
		Investments . . . . .	318,16,56,000
		Other Assets . . . . .	27,38,07,000
Rupees . . . . .	604,47,47,000	Rupees . . . . .	604,47,47,000

\*Includes Cash and Short-term Securities.

\*\*Excluding Loans and Advances from the National Agricultural Credit (Long Term Operations) Fund, but including temporary overdrafts to State Governments.

†Includes Rs. 9,00,000 advanced to scheduled banks against usance bills under section 17(4)(c) of the Reserve Bank of India Act.

†† Excluding Loans and Advances from the National Agricultural Credit (Long Term Operations) Fund and the National Agricultural Credit (Stabilisation) Fund.

Dated the 24th day of July, 1963.

An Account pursuant to the Reserve Bank of India Act, 1934, for the week ended the 19th day of July 1963

ISSUE DEPARTMENT

LIABILITIES	Rs.	Rs.	ASSETS	Rs.	Rs.
Notes held in the Banking Department			Gold Coin and Bullion :—		
Notes in circulation	19,22,97,000		(a) Held in India	117,76,10,000	
	2237,58,20,000		(b) Held outside India	..	
Total Notes issued		2256,81,17,000	Foreign Securities	95,26,14,000	
			TOTAL		213,02,24,000
			Rupee Coin		117,48,34,000
			Government of India Rupee Securities		1926,30,59,000
			Internal Bills of Exchange and other commercial paper		..
TOTAL LIABILITIES		2256,81,17,000	TOTAL ASSETS		2256,81,17,000

Dated the 24 day of July, 1963.

P. C. BHATTACHARYYA,  
Governor.

[No. F. 3(2)-BC, 63.]

A. Bakshi, Jt. Secy.

## OFFICE OF THE ASSISTANT COLLECTOR OF CENTRAL OF EXCISE POONA

## NOTICE

Poona, the 9th July 1963

**S.O. 2123**—Whereas it appears that the marginally noted goods which were seized by the 398 Gillette Razor Sets. Made in England contained in three hand-bags and one suit case Deputy Superintendent, Central Excise, Preventive, Hqrs., Poona at the Poona Railway Station on the 16th March 1963 were imported into India in contravention of Government. of India, Ministry of Commerce and Industry Import Trade Control Order No. 17/55 dated 7th December, 1955 issued under Section 3 of the Import and Exports Control Act, 1947 read with Secs II and III of the Customs Act, 1962

2. Now, therefore, any person claiming the goods is hereby called upon to show cause to the Assistant Collector of Central Excise, Poona I why the above mentioned goods should not be confiscated under Section 111 of the Customs Act, 1962 and why a penalty should not be imposed upon him under the same Section.

3. If such an owner fails to turn up to claim the above-mentioned unclaimed goods or to show cause against the action proposed to be taken within 30 days from the publication of this notice in the Government of India Gazette, the goods in question will be treated as unclaimed and the case will be decided accordingly.

Signature of Reserve Bank is only required if the amount is more than £ 5.

Date :

Signature of Reserve Bank

Total amount held in Notes of the Bank of England £

Amount Changed	Name of bank or Money Changer where changed	Date	Running total of notes held	Running balance	Initials of Bank or Money changer
1	2	3	4	5	6

N.B.—Passengers will please note that Notes of the Bank of England cannot be changed except on presentation of this form to a Bank or Money Changer who will enter into details of the amounts changed and then return it to the passenger

[No VIII(Cus) 10 27/63]

P. B. GHOSH,

Assistant Collector

## COLLECTORATE OF CENTRAL EXCISE, CALCUTTA &amp; ORISSA, CALCUTTA

## CENTRAL EXCISE

Calcutta, the 10th May 1963

**S.O. 2124**—In exercise of the powers conferred on me by rule 5 of the Central Excise Rules, 1944 I hereby make the following amendments to the Collectorate Notification No 1/1963 dated 8th January 1963, namely—

- (1) Substitute the following for the existing entry "96ZZZ" and the restrictions thereunder appearing in columns (3) and (4) at Serial No 1 of the Table of the above notification, namely—

"Col 3	Col 4
96ZZZ (III)	—"

- (ii) Substitute the following for the existing entries in columns (3) and (4) respectively at Serial No. 3 of the Table of the above notification, namely—

"Col. 3.	Col. 4.
.96ZZZ(i), (ii) and (iv).	The power to demand duty, confiscate the goods and to impose penalty shall be exercised by the Adjudicating Officers in accordance with their limits of powers."

[No. 3/1963.]

*Calcutta, the 8th June 1963*

**S.O. 2125.**—In exercise of the powers conferred on me by rules 15 and 16 of Central Excise Rules, 1944 read with rule 233 *ibid*, I hereby make the following amendments to Collectorate Notification No. 6/1958 dated 4th April 1958, namely—

In the Schedule appended to the above Notification, the following shall be substituted against Serial No. 1 under State of Orissa, namely:—

**1. Koraput:**

- (i) Rayagada Sub-Division—The whole of the Sub-Division less Police Station of Rayagada and Kalyan—Singpur.
- (ii) Gunpur Sub-Division—The whole Sub-Division less Blissem Cutlack P. S. and Ambadola P. S.
- (iii) Koraput Sub-Division—The whole Sub-Division less Narayanpatnam P.S.
- (iv) Nowrangpur Sub-Division—The whole Sub-Division.
- (v) Malkangiri Sub-Division—The whole Sub-Division.

[No. 4/1963.]

R. PRASAD, Collector.

## CENTRAL BOARD OF REVENUE

### INCOME-TAX

*New Delhi, the 29th July 1963*

**S.O. 2126.**—In exercise of the powers conferred by Sub-section (1) of Section 122 of the Income-tax Act, 1961 (43 of 1961), the Central Board of Revenue hereby makes the following further amendments in the Schedule annexed to its notification S.O. 1390 (No. 19-Income-tax, dated 4th May 1962), namely:—

In the said Schedule, for the existing entries in Col. 2 against 'A' Range, Bangalore, the following entries shall be substituted, namely:—

1. Bangalore City Circle I.
2. Rural Circle, Bangalore.
3. Kolar Circle.
4. Estate Duty-cum-Income-tax Circle, Bangalore.
5. Special Survey Circle, Bangalore.

### EXPLANATORY NOTE

The amendments have become necessary on account of the creation of a Special Survey Circle with Headquarters at Bangalore in the charge of the Commissioner of Income-tax, Bangalore.

(The above note does not form a part of the notification but is intended to be merely clarificatory.)

[No. 43 (F. No. 50/13/62-IT).]

## CORRIGENDUM

*New Delhi, the 29th July 1963*

**S.O. 2127.**—In exercise of the powers conferred by sub-section (1) of Section 121 of the Income Tax Act, 1961 (43 of 1961), the Central Board of Revenue hereby directs that in its Notification No. 20, dated the 30th April 1963 published as S.O. 1293 on pages 1454—57 in Part II Section 3(ii) of the Gazette of India, dated the 11th May 1963, against Serial No. 5-Commissioner of Income-tax, Bombay City II Charge, (i) item No. (15) Special Survey Circle III shall be deleted and the subsequent items re-numbered as (15), (16) and (17) and (ii) item No. 13 will be substituted by the following—

"13. Bombay Suburban District (East) and  
Bombay Suburban District (West)."

[No. 41 (F. No. 55/1/62-IT).]

J. RAMA IYER, Under Secy.

## MINISTRY OF WORKS, HOUSING &amp; REHABILITATION

(Department of Rehabilitation)

(Office of the Chief Settlement Commissioner)

*New Delhi, the 22nd July 1963*

**S.O. 2128.**—In exercise of the powers conferred by Clause (a) of Sub-Section (2) of Section 16 of the Displaced Persons (Compensation and Rehabilitation) Act, 1954, (No. 44 of 1954), the Central Government hereby appoints for the States of Maharashtra, Gujrat, Andhra Pradesh, Madras, Mysore and Kerala, Shri C. P. Shah, Assistant Settlement Officer, in the office of the Regional Settlement Commissioner, Bombay as Managing Officer for the custody, management and disposal of Compensation Pool with effect from the date he took over charge of his office.

[No. 3(245)/62-ARG.]

*New Delhi, the 23rd July 1963*

**S.O. 2129.**—In exercise of the powers conferred by Sub-section (i) of Section 6 of the Administration of Evacuee Property Act, 1950 (XXXI of 1950), the Central Government hereby appoints for the States of Maharashtra, Gujrat, Andhra Pradesh, Madras, Mysore and Kerala, Shri C. P. Shah, Assistant Settlement Officer in the office of the Regional Settlement Commissioner, Bombay as Assistant Custodian for the purpose of discharging the duties imposed on Custodian by or under the said Act with effect from the date he took over charge of his office.

[No. 8(245)/62-ARG.]

KANWAR BAHADUR,

Settlement Commissioner (A) &amp; Ex-Officio Dy. Secy.

(Department of Rehabilitation)

Office of the Chief Settlement Commissioner

*New Delhi, the 23rd July 1963*

**S.O. 2130.**—In exercise of the powers conferred upon me by sub-section (2) of Section 34 of the Displaced Persons (Compensation and Rehabilitation) Act, 1954 (44 of 1954), I, N. P. Dube, Chief Settlement Commissioner, hereby delegate my powers under Sub-section (2) of Section 30 of the said Act to all Deputy Commissioners and Additional Deputy Commissioners in Punjab, who have been appointed as Additional Settlement Commissioners vide Notification Nos. 1(7) (30)/57-SIII and 3(69)/L&R/62, dated the 9th August, 1957 and the 11th January, 1963 respectively in so far as such orders relate to the recovery of public dues as defined in rule 7 of the Displaced Persons (Compensation and Rehabilitation) Rules, 1955.

[3(69)/L&amp;R/62.]

N. P. DUBE,

Chief Settlement Commissioner.

(Department of Rehabilitation)

(Office of the Chief Settlement Commissioner)

New Delhi, the 26th July 1963

**S.O. 2131.**—Whereas the Central Government is of the opinion that it is necessary to acquire the evacuee properties specified in the schedule hereto annexed in the States of Gujarat, Maharashtra, Andhra Pradesh, Madras, Mysore and Kerala for a public purpose being a purpose connected with the relief and rehabilitation of displaced persons, including payment of compensation to such persons.

Now, therefore, in exercise of the powers conferred by Section 12 of the Displaced Persons (Compensation and Rehabilitation) Act, 1954 (44 of 1954) it is notified that the Central Government has decided to acquire and hereby acquires the evacuee properties specified in the Schedule hereto annexed.

A SCHEDULE

All properties in the States of Gujarat, Maharashtra, Andhra Pradesh, Madras, Mysore and Kerala which have vested in the Custodian under section 11 of the Evacuee Interest (Separation) Act, 1951, as a result of adjudication by the Competent Officers under the provisions of the said Act upto 30th June 1963, and in respect of which no appeals have been filed and if filed, have been rejected by the Appellate Officer.

[No. 1(27)/Comp.&Prop/61.]

**S.O. 2132.**—Whereas the Central Government is of the opinion that it is necessary to acquire the evacuee properties specified in the schedule hereto annexed in the State of U.P. for a public purpose being a purpose connected with the relief and rehabilitation of displaced persons, including payment of compensation to such persons.

Now, therefore, in exercise of the powers conferred by Section 12 of the Displaced Persons (Compensation and Rehabilitation) Act, 1954 (44 of 1954) it is notified that the Central Government has decided to acquire and hereby acquires the evacuee properties specified in the Schedule hereto annexed.

A SCHEDULE

All properties in the State of U.P. which have vested in the Custodian under section 11 of the Evacuee Interest (Separation) Act, 1951, as a result of adjudication by the Competent Officers under the provisions of the said Act upto 30th June 1963 and in respect of which no appeals have been filed and if filed, have been rejected by the Appellate Officers.

[No. 2(21)/Com. & Prop/61.]

**S.O. 2133.**—Whereas the Central Government is of the opinion that it is necessary to acquire the evacuee properties specified in the Schedule hereto annexed in the State of Punjab for a public purpose being a purpose connected with the relief and rehabilitation of displaced persons, including payment of compensation to such persons.

Now, therefore, in exercise of the powers conferred by Section 12 of the Displaced Persons (Compensation and Rehabilitation) Act, 1954 (44 of 1954), it is notified that the Central Government has decided to acquire and hereby acquires the evacuee properties specified in the Schedule hereto annexed.

THE SCHEDULE

All properties in the State of Punjab which have vested in the Custodian under Section 11 of the Evacuee Interest (Separation) Act, 1951, as a result of adjudication by the Competent Officers under the provisions of the said Act upto 30th June 1963 and in respect of which no appeals have been filed, and if filed have been rejected by the Appellate Officer (Officers) concerned.

[No. 16(18)/58-Prop.II.Comp.]

**S.O. 2134.**—Whereas the Central Government is of the opinion that it is necessary to acquire the evacuee properties specified in the schedule hereto annexed in the State of Rajasthan for a public purpose being a purpose connected with the relief and rehabilitation of displaced persons, including payment of compensation to such persons.

Now, therefore, in exercise of the powers conferred by section 12 of the Displaced Persons (Compensation and Rehabilitation) Act, 1954 (44 of 1954), it is notified that the Central Government has decided to acquire and hereby acquires the evacuee properties specified in the Schedule hereto annexed.

#### A SCHEDULE

All properties in the state of Rajasthan which have vested in the Custodian under section 11 of the Evacuee Interest (Separation) Act, 1951, as a result of adjudication by the Competent Officer under the provisions of the said Act upto 30th June 1963 and in respect of which no appeals have been filed and if filed, have been rejected by the Appellate Officer.

[No. 22(13)/Comp.&Prop/61.]

**S.O. 2135.**—Whereas the Central Government is of the opinion that it is necessary to acquire the evacuee properties specified in the schedule hereto annexed in the States of Delhi, Madhya Pradesh, Bihar and Orissa for a public purpose being a purpose connected with the relief and rehabilitation of displaced persons, including payment of compensation to such persons.

Now, therefore, in exercise of the powers conferred by section 12 of the Displaced Persons (Compensation and Rehabilitation) Act, 1954 (44 of 1954) it is notified that the Central Government has decided to acquire and hereby acquires the evacuee properties specified in the Schedule hereto annexed.

#### A SCHEDULE

All properties in the States of Delhi, Madhya Pradesh, Bihar and Orissa which have vested in the Custodian under Section 11 of the Evacuee Interest (Separation) Act, 1951, as a result of adjudication by the Competent Officer under the provisions of the said Act upto 30th June 1963 and in respect of which no appeals have been filed and if filed have been rejected by the Appellate Officer.

[No. 22(14)/Comp. & Prop./61.]

M. J. SRIVASTAVA,

Settlement Commissioner & Ex-Officio, Under Secy.

### MINISTRY OF HEALTH

*New Delhi, the 27th July 1963*

**S.O. 2136.**—In exercise of the powers conferred by clause (f) of section 3 of the Dentists Act, 1948 (16 of 1948), the Central Government hereby renominates Dr. K. Azuma, F.I.C.D., 3/4, Mount Road, Madras, a dentist registered in part 'B' of the Madras Dentists Register as a Member of the Dental Council of India with effect from the 2nd September, 1963.

[No. F. 3-2/62-MPT.]

#### ORDER

*New Delhi, the 27th July 1963*

**S.O. 2137.**—Whereas the Government of India in the Ministry of Health has, by notification No. 17-2/59-MI, dated the 1st April, 1960, made in exercise of the powers conferred by sub-section (1) of section 14 of the Indian Medical Council Act, 1956 (102 of 1956), recognised the medical qualification M.D. granted by the University of Toronto, Canada for the purposes of the said Act;

Now, therefore, in exercise of the powers conferred by the proviso to sub-section (1) of section 14 of the Indian Medical Council Act, 1956 (102 of 1956), the Central Government hereby specifies the period of two years with effect from the date of this Order or so long as Dr. Ed. Edmund who possesses the said qualification, continues to work with the Kodaikanal School, Kodaikanal, South India, to which he is attached for the time being for the purposes of teaching, research or charitable work, whichever is shorter, as the period to which the medical practice of the said Dr. Ed. Edmund shall be limited.

[No. F. 16-15/63-ML]

B. H. L. BHARADWAJ, Under Secy.

## MINISTRY OF MINES &amp; FUEL

New Delhi, the 22nd July 1963

**S.O. 2138.**—Whereas it appears to the Central Government that it is necessary in the public interest that for the transport of petroleum between Barauni Refinery in Bihar State to the Haldia Port in Calcutta in West Bengal State, a pipeline should be laid by the Indian Refineries Limited and that for the purpose of laying such pipeline, it is necessary to acquire the right of user in the land described in the Schedule annexed hereto.

2. Now, therefore, in exercise of the powers conferred by sub-section (1) of section 3 of the Petroleum Pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962), the Central Government hereby declares its intention to acquire the right of user therein.

3. Any person interested in the said land may within 21 days from the date of this notification object to the laying of the pipelines under the land to the Competent Authority—Special Land Acquisition Officer, C/o. Indian Refineries Limited, Hathidah (Patna). Every person making such an objection shall also state specifically whether he wishes to be heard in person or by a legal practitioner.

## SCHEDULE

State—BIHAR District—MONGHYR

Thana—LAKHISARAI.

Village with Thana No.	Survey No.	Extent in Acre.	Village with Thana No.	Survey No.	Extent in Acre.
Makhdumpur No. 139	151	0.090	Amahara No. 140.— <i>contd.</i>	662	0.095
	150	0.230		661	0.010
	153	0.030		664	0.280
	154	0.020		665	0.100
	156	0.050		666	0.110
	157	0.150		668	0.020
	158	0.220		669	0.010
	159	0.260		45	0.020
	160	0.100		121	0.050
	161	0.080		77	0.085
	162	0.090	Balgudar No. 134.	333	0.465
	167	0.280		335	0.035
	168	0.160		334	0.200
	164	0.410		337	0.090
	174	0.050		338	0.095
	175	0.060		339	0.007
	176	0.070		340	0.020
	177	0.010		341	0.215
	178	0.060		343	0.150
	179	0.360		345	0.160
	184	0.040		347	0.185
	183	0.130		348	0.180
	185	0.050		351	0.305
	186	0.007		352	0.180
Amahara No. 140	49	0.145		353	0.050
	48	0.140		362	0.365
	44	0.170		356	0.060
	43	0.160		358	0.090
	75	0.275		361	0.090
	72	0.155		364	0.455
	73	0.020		367	0.040
	70	0.245		368	0.017
	71	0.005		369	0.050
	92	0.085		403	0.180
	93	0.185		404	0.040
	94	0.085		405	0.080
	96	0.020	Chouki No. 141.	103	0.015
	95	0.370		92	0.070
	98	0.010		86	0.068
	607	0.020			

Village with thana No. Survey No. Extent in Acre.			Village with Thana No. Survey No. Extent in (Plot No.) Acre.		
Chouki No. 141— <i>contd.</i>	85	0.020	English No. 186— <i>contd.</i>	2318	0.020
	111	0.340		2308	0.060
	112	0.140		2306	0.120
	113	0.130		2305	0.060
	114	0.080		2303	0.025
	115	0.110		2060	0.110
	116	0.002		2343	0.080
	190	0.150		2342	0.140
	206	0.182		2339	0.140
	207	0.240		2340	0.150
	208	0.020		1902	0.095
	205	0.050		2059	0.125
	209	0.420		4194	0.060
	221	0.210		1964	0.065
	214	0.230		1953	0.160
	220	0.100		1927	0.055
	215	0.100		1920	0.007
	969	0.150		1926	0.225
	968	0.115		1188	0.020
	967	0.120		1906	0.020
	972	0.130		1905	0.010
	983	0.080		1901	0.170
	991	0.050		2326	0.130
	992	0.040		2327	0.155
	993	0.040		2329	0.120
	981	0.050		2328	0.050
	995	0.355		1582	0.080
	1001	0.305		2347	0.075
	998	0.040		2345	0.120
	999	0.200		2344	0.090
	1010	0.015		1903	0.070
	1011	0.240		2334	0.065
	1012	0.263	Indupur No. 184	372	0.005
	1013	0.350		373	0.110
	1030	0.003		363	0.080
	1031	0.110		361	0.060
	1032	0.015		355	0.080
	1034	0.210		374	0.010
	1035	0.227		352	0.180
	1038	0.010		351	0.080
	1040	0.340		350	0.070
	1039	0.080		348	0.020
	1027	0.270		347	0.065
	1026	0.310		346	0.020
	1065	0.030		345	0.060
	1066	0.445		342	0.100
	1068	0.515		340	0.300
	1069	p 200		935	0.080
	85	0.007	Barhiya No. 187	2395	0.130
	105	0.002		2397	0.050
	216	0.015		2398	0.060
	1025	0.010		2401	0.270
	106	0.280		2402	0.120
	108	0.250		2409	0.060
	109	0.290		2404	0.070
	973	0.410		2406	0.260
	107	0.185		2372	0.090
	230	0.290		2367	0.090
	110	0.100		2365	0.070
	1006	0.100		2359	0.005
Gangta No. 142	730	0.160			
English No. 186	2330	0.050		2360	0.005
	2314	0.070		2358	0.050
	2313	0.085		2357	0.060
	2316	0.090		2356	0.005
	2317			2355	0.025

Village with thana No.	Survey No. (Plot No.)	Extent in acre	Village with Thana No.	Survey No. (Plot No.)	Extent in acre
Barhiya No. 187— <i>contd.</i>	2318	0.050	Gangasara No. 182— <i>contd.</i>	28	0.110
	2308	0.050		60	0.055
	2297	0.130		51	0.055
	2295	0.020		64	0.045
	2352	0.060		87	0.030
	2351	0.060		86	0.020
	2347	0.030		65	0.060
	2344	0.040		89	0.015
	2316	0.050		85	0.020
	2345	0.040		84	0.175
	2341	0.050		91	0.095
	2339	0.050		92	0.050
	2340	0.070		93	0.055
	2338	0.005		94	0.080
	2337	0.070		83	0.012
	2336	0.045		110	0.210
	2330	0.080		122	0.010
	2329	0.080		111	0.090
	2326	0.070		112	0.170
	2324	0.020		113	0.125
	2319	0.050		115	0.040
	2316	0.080		116	0.003
	2307	0.010		156	0.065
	2296	0.070		157	0.030
	2298	0.160		158	0.050
	2418	0.005		159	0.100
	2317	0.080		160	0.080
	2511	0.110		165	0.250
	2348	0.035		166	0.040
				182	0.120
Upraul No. 183 .	191	0.270		183	0.070
	192	0.100		184	0.060
	190	0.040		185	0.070
	189	0.040		186	0.153
	188	0.045		362	0.130
	185	0.105		359	0.090
	186	0.110		356	0.030
	128	0.105		2740	0.003
	130	0.085		2739	0.025
	131	0.170		2737	0.075
	135	0.125		2736	0.008
	132	0.180		2775	0.205
	133	0.230		2772	0.370
	161	0.005		2765	0.015
	159	0.130		2764	0.047
	153	0.040		2763	0.075
	152	0.135		2762	0.060
	137	0.007		2761	0.035
	142	0.030		162	0.012
	143	0.100		378	0.004
	151	0.160		2163	0.003
	150	0.050		2760	0.390
	145	0.093		357	0.010
	149	0.002		355	0.097
	1	0.045		346	0.110
	139	0.010		371	0.030
				345	0.085
Barhiya No. 187 .	2785	0.005		372	0.135
	2787	0.005		375	0.085
				376	0.010
Gangasara No. 182 .	1	0.365		373	0.010
	25	0.080		374	0.130
	30	0.030		377	0.110
	26	0.025		2090	0.140
	27	0.017		2091	0.135
	29	0.075		2093	0.105

Village with thana No.	Survey No. (Plot No.)	Extent in acre	Village with thana No.	Survey No. (Plot No.)	Extent in acre
Gangasari No. 182— <i>contd.</i>	2094	0.100	Dumari No. 161— <i>contd.</i>	267	0.008
	2095	0.145		263	0.170
	2099	0.080		262	0.015
	2088	0.010		279	0.053
	2087	0.100		281	0.055
	2100	0.045		280	0.008
	2101	0.002		282	0.065
	2086	0.110		285	0.075
	2085	0.190		350	0.020
	2159	0.085		293	0.045
	2160	0.070		294	0.050
	2161	0.040		295	0.065
	2168	0.060		296	0.065
	2167	0.060		297	0.035
	2166	0.075		298	0.045
	2162	0.030		299	0.110
	2164	0.050		300	0.155
	2205	0.275		303	0.085
	2204	0.062		304	0.025
	2201	0.030		332	0.145
	2202	0.010		331	0.050
	2200	0.045		328	0.070
	2192	0.210		325	0.035
	2190	0.045		324	0.035
	2191	0.097		323	0.035
	2188	0.095		319	0.060
	2223	0.170		318	0.020
	2224	0.070		313	0.170
	2187	0.040		312	0.020
	2704	0.105		311	0.008
	2703	0.090		2256	0.100
	2701	0.010		2255	0.055
	2700	0.010		2254	0.040
	2702	0.045		2229	0.155
	2699	0.075		2230	0.030
	2698	0.095		2231	0.060
	2726	0.100		2232	0.085
	2713	0.010		2233	0.035
	2714	0.045		2236	0.020
	2727	0.060		2234	0.030
	2723	0.275		2237	0.010
	2735	0.010		2225	0.125
	2738	0.095		2224	0.020
	136	0.080		2223	0.045
Dumari No. 161	152	0.545		2222	0.035
	375	0.440		2221	0.045
	226	0.135		2220	0.005
	227	0.035		2219	0.085
	228	0.055		2218	0.085
	234	0.065		2213	0.055
	229	0.005		2211	0.085
	233	0.005		2341	0.008
	235	0.100		2342	0.085
	236	0.060		2343	0.030
	246	0.100		2260	0.030
	247	0.060		2206	0.040
	248	0.030		2205	0.055
	245	0.035		2204	0.045
	249	0.020		2203	0.065
	250	0.055		2201	0.045
	251	0.045		2200	0.055
	252	0.050		2199	0.105
	270	0.065		2198	0.090
	269	0.020		2197	0.075
				2140	0.020

Village with thana No.	Survey No. (Plot No.)	Extent in (Acre)	Village with thana No.	Survey No. (Plot No.)	Extent in (Acre)
Dumari No. 161	2196	0.030	Juas No. 136	1	0.227
	2195	0.030		2	0.102
	2194	0.045		519	0.040
	2192	0.055		9	0.085
	2191	0.075		8	0.003
	2190	0.085		7	0.005
	2189	0.040		11	0.030
	2188	0.018		10	0.080
	2187	0.020		518	0.085
	2186	0.265		517	0.020
	2141	0.015		12	0.029
	2144	0.003		13	0.060
	2145	0.008		14	0.100
	2176	0.200		15	0.100
	2175	0.125		17	0.070
	2169	0.085		516	0.007
	2168	0.085		515	0.005
	2154	0.095		514	0.005
	2153	0.115		518	0.050
	2151	0.095		19	0.055
	2148	0.005		513	0.010
	2150	0.035		512	0.012
	4481	0.050		21	0.070
	4478	0.045		22	0.080
	4482	0.030		28	0.060
	4483	0.125		511	0.017
	4484	0.085		29	0.035
	4485	0.065		43	0.035
	4486	0.020		510	0.005
	4488	0.045		509	0.020
	4489	0.030		44	0.080
	4490	0.030		45	0.025
	4491	0.030		71	0.175
	4492	0.045		70	0.105
	4493	0.045		69	0.025
	4511	0.075		68	0.005
	4516	0.070		72	0.120
	4517	0.050		73	0.120
	4518	0.045		74	0.080
	4520	0.085		75	0.050
	4521	0.065		76	0.180
	4526	0.065		114	0.110
	4528	0.015		115	0.105
	4527	0.065		116	0.070
	4542	0.325		117	0.040
	4543	0.105		121	0.130
	4556	0.065		120	0.030
	2149	0.400		122	0.095
	4555	0.010		123	0.090
	4647	0.030		501	0.090
	163	0.085		124	0.050
				127	0.040
				146	0.015
				128	0.150
				129	0.040
				130	0.120
				431	0.065
				432	0.070
				433	0.075
				434	0.070
				435	0.040
				436	0.085
				498	0.070
				1961	0.055
				497	0.010
Paharpur No. 191	857	0.050			
	858	0.050			
	859	0.190			
	860	0.010			
	861	0.170			
	863	0.030			
	864	0.120			
	867	0.030			
	868	0.020			
	869	0.190			
	856	0.190			
	875	0.140			

Village with Thana No.	Survey No. (Plot No.)	Extent in Acre	Village with thana No.	Survey No. (Plot No.)	Extent in acre
Juas No. 136	437	0.050	Juas No. 136	504	0.005
	439	0.150		500	0.030
	496	0.030			
	440	0.105	Barhiya English No.137	17	0.075
	442	0.040		20	0.785
	443	0.055		21	0.027
	495	0.030		22	0.045
	494	0.015		18	0.265
	444	0.105		19	0.160
	445	0.050		29	0.115
	508	0.005			
	507	0.002			

[No. 31/33/63-ONG-I.]

**S.O. 2139.**—Whereas it appears to the Central Government that it is necessary in the public interest that for the transport of petroleum between Barauni Refinery in Bihar State to the Haldia Port in Calcutta in West Bengal State, a pipeline should be laid by the Indian Refineries Limited and that for the purpose of laying such pipeline, it is necessary to acquire the right of user in the land described in the Schedule annexed hereto;

2. Now, therefore, in exercise of the powers conferred by sub-section (1) of section 3 of the Petroleum Pipelines (Acquisition of Right of User in Land) Act, 1962, (50 of 1962), the Central Government hereby declares its intention to acquire the right of user therein.

3. Any person interested in the said land may within 21 days from the date of this notification object to the laying of the pipe lines under the land to the Competent Authority—Special Land Acquisition Officer, C/o. Indian Refineries Limited, Hathidah (Patna). Every person making such an objection shall also state specifically whether he wishes to be heard in person or by a legal practitioner.

## SCHEDULE

State Bihar. District Monghyr. Thana Teghra.

Village with Thana No.	Survey No. (Plot No.)	Extent in acre	Village with Thana No.	Survey No. (Plot No.)	Extent in acre
Bihat No. 504	2419	0.030	Bihat No. 504	7273	0.230
	2418	0.070		7258	0.140
	2407	0.080		7125	0.140
	2475	0.050		7124	0.460
	2482	0.002		7051	0.065
	2488	0.020		7050	0.065
	2520	0.080		7055	0.150
	2494	0.045		7056	0.100
	2500	0.010		7057	0.150
	2501	0.020		7059	0.125
	2502	0.025		7061	0.020
	2506	0.027		7060	0.055
	2505	0.050		7032	0.160
	2627	0.040		7031	0.258
	2626	0.030		7030	0.060
	2625	0.080		7020	0.060
	2635	0.060		7022	0.410
	2639	0.120		6958	0.195
	2640	0.010		6957	0.310
	7277	0.150		6949	0.235
	7280	0.040		6946	0.263
	7276	0.050		6947	0.180
	7275	0.030		6902	0.047
	7274	0.030		6920	0.110

Village with Thana No.	Survey No. (Plot No.)	Extent in acre	Village with Thana No.	Survey No. (Plot No.)	Extent (Acre)
Bihat No. 504	6903	0.130	Semaria No 500	4293	0.130
	6919	0.030		4238	0.170
	6918	0.060		4258	0.080
	6909	0.090		4257	0.120
	6910	0.420		4254	0.130
	6911	0.040		4252	0.120
	6907	0.080		4265	0.270
	6860	0.205		4253	0.025
	6859	0.102		4255	0.075
	6862	0.040		4165	0.030
	6856	0.095	Malhipur No. 503	260	0.070
	2489	0.005		258	0.020
	2604	0.040		268	0.100
	7386	0.005		271	0.160
	7023	0.008		272	0.050
	7268	0.040		342	0.150
	2622	0.010		343	0.180
	7262	0.05		355	0.610
	7083	0.030		345	0.210
	6993	0.050		354	0.520
Semaria No. 500	4181	0.220		374	0.160
	4186	0.130		496	0.020
	4173	0.070		495	0.040
	4172	0.030		494	0.020
	4171	0.250		356	0.005
	4192	0.110			

[No. 31/33/63-ONG-II.]

S.O. 2140.—Whereas it appears to the Central Government that it is necessary in the public interest that for the transport of petroleum between Barauni Refinery in Bihar State and Haldia Port in Calcutta in West Bengal State, pipeline should be laid by the Indian Refineries Limited and that for the purpose of laying such pipeline, it is necessary to acquire the right of user in the land described in the Schedule annexed hereto;

2. Now, therefore, in exercise of the powers conferred by sub-section (1) of section 3 of the Petroleum Pipelines (Acquisition of Right of User in Land) Act, 1962, (50 of 1962), the Central Government hereby declares its intention to acquire the right of user therein.

3. Any person interested in the said land may, within 21 days from the date of this Notification object to the laying of the pipeline under the land to the Competent Authority at 9, Syed Amir Ali Avenue, Calcutta-17, in the office of the Indian Refineries Limited. Every person making such an objection shall also state specifically whether he wishes to be heard in person or by a legal practitioner.

#### SCHEDULE

State West Bengal. Distt. Midnapore Tehsil/ Thana Mahisadal.

Village	Survey No. (Plot No.)	Extent in acre	Village	Survey No. (Plot No.)	Extent in acre
Naradari, J.L. 44	1318	.06		1354	.05
	1322	.01		1355	.06
	1323	.21		1356	.12
	1345	.07		1357	.01
	1351	.04		1359	.01
	1352	.06		1360	.10
	1353	.10		1361	.04

Village	Survey No. (Plot No.)	Extent (Area)	Village	Survey No. (Plot No.)	Extent (Area)
Naradari J.L. 44	1365	·14	Naradari J.L. 44	1447	·06
	1367	·03		1448	·03
	1368	·04		1449	·01
	1369	·10		1451	·005
	1370	·08		1452	·12
	1427	·005		1453	·02
	1428	·05		1454	·04
	1429	·005		1455	·02
	1432	·01		1456	·02
	1433	·01		1457	·02
	1434	·05		1458	·01
	1435	·08		1459	·06
	1436	·01		1460	·005
	1439	·005		1463	·02
	1440	·18		1464	·005
	1441	·08		1707	·01
	1446	·09			

[No. 31/33/63-ONG (III).]

B. SUBBA RAO, Under Secy.

**MINISTRY OF TRANSPORT & COMMUNICATIONS**

(Indian Posts and Telegraphs Department)

(Office of the Director General Posts and Telegraphs)

New Delhi, the 24th July 1963

**S.O. 2141.**—In exercise of the powers conferred by the proviso to Article 30 of the Constitution, the President hereby directs that the following further amendments shall be made in the New Madras Telephone District Contributory Provident Fund Rules, namely:—

In the said Rules:—

1. In rule 17;

(i) For sub-rule (3), the following shall be substituted, namely.—

“(3) Subject to the condition that no deduction may be made which reduces the credit by more than the amount of any contribution by Government with interest thereon credited under rule 9, before the amount standing to the credit of a subscriber in the Fund is paid out of the Fund, the President may direct the deduction, therefrom and payment to Government of,

(a) any amount, if a subscriber has been dismissed from service for grave misconduct of which the President shall be the sole judge;

Provided that, if the order of dismissal is subsequently cancelled, the amount so deducted shall, on his reinstatement in the service, be replaced to his credit in the Fund. He shall also, if required to do so by the President, repay any amount paid to him from the Fund in pursuance of the rule with interest at the usual rate. The amount, so repaid, shall be credited to his account in the Fund, the part of which represents his subscriptions and interest thereon and the part which represents the Government Contributions being accounted for in the manner provided in the rule;

(b) any amount, if a subscriber resigns his employment under Government within five years of the commencement thereof, otherwise than by reason of a superannuation or a declaration by competent medical authority that he is unfit for further service;

(c) any amount due under a liability incurred by the subscriber to Government.

**NOTE.**—The powers of the President under this rule may, in respect of the amount referred to in clause (c) also be exercised by the authority competent to

sanction an advance for the grant of which special reasons are required under clauses (b) and (c) of rule 13".

(ii) "Sub-rule (4)" "sub-rule (5)" and "sub-rule (6)" shall be deleted.

[34-20/60-Pen.]

**S.O. 2142.**—In exercise of the powers conferred by the proviso to article 309 of the Constitution, the President hereby directs that the following further amendments shall be made in the Rules and Regulations of the Bengal Telephone Provident Fund, namely:—

In the said Rules:—

1. For rule 14, the following rule shall be substituted, namely:—

"14—Subject to the provisions contained in rule 13-A, 13-B and 13-C and to the condition that no deduction may be made which reduces the credit by more than the amount of any contribution by Government with interest thereon credited under rule 9, before the amount standing to the credit of a subscriber in the Fund is paid out of the Fund, the President may direct the deduction therefrom and payment to Government of—

(a) any amount, if a subscriber has been dismissed from the service for grave misconduct of which the President shall be the sole judge;

Provided that if the order of dismissal is subsequently cancelled, the amount so deducted shall, on his reinstatement in the service be replaced to his credit in the Fund.

(b) any amount, if a subscriber resigns his employment under Government within 5 years of the commencement thereof otherwise than by reason of superannuation or a declaration by competent medical authority that he is unfit for further service.

(c) any amount due under a liability incurred by the Subscriber to Government.

NOTE.—(1) For the purpose of clause (b) of this rule, the period of 5 years shall be reckoned from the commencement of the subscriber's continuous service under Government.

(2) The powers of the President under this Rule may, in respect of the amount referred to in clause (c) also be exercised by the authority competent to sanction an advance for the grant of which special reasons are required under clauses (b) and (c) of sub-rule (1) of rule 20-A".

[34-20/60-Pen.]

**S.O. 2143.**—In exercise of the powers conferred by the proviso to article 309 of the Constitution, the President hereby directs that the following further amendments shall be made in the Bombay Telephone Contributory Provident Fund Rules and Regulations, namely:—

In the said Rules:—

1. For rule 20(a) the following rule shall be substituted namely:—

20(a)—Subject to the provisions contained in rule 18 and to the condition that no deduction may be made which reduces the credit by more than the amount of any contribution by Government with interest thereon credited under rule 16, before the amount standing to the credit of a subscriber in the Fund is paid out of the Fund, the President may direct the deduction therefrom and payment to Government of—

(a) any amount, if a subscriber has been dismissed from service for grave misconduct of which the President shall be the sole judge.

Provided that if the order of dismissal is subsequently cancelled, the amount so deducted shall on his reinstatement in the service, be replaced to his credit in the Fund. He shall also, if required to do so by the President repay any amount paid to him from the Fund in pursuance of the rule with interest thereon at the usual rate. The amount, so repaid, shall be credited to his account in the Fund, the part of which represents his subscriptions and interest thereon and the part

which represents Government Contributions being accounted for in the manner provided in the rules;

- (b) any amount, if a subscriber resigns his employment under Government within five years of commencement thereof, otherwise than by reason of superannuation or a declaration by competent medical authority that he is unfit for further service;
- (c) any amount due under a liability incurred by the subscriber to Government.

NOTE.—The powers of the President under this rule may, in respect of the amount referred to in clause (c), also be exercised by the authority competent to sanction an advance for the grant of which special reasons are required under clauses (b) and (c) of rule 22."

- 2. "Rule 19" "rule 34" and "rule 37A" shall be deleted.

[34-20/60-Pen.]

D. K. AGARWAL,

Assistant Director General.

## MINISTRY OF COMMERCE AND INDUSTRY

*New Delhi, the 26th July 1963*

**S.O. 2144.**—In exercise of the powers conferred by the proviso to article 309 of the constitution, the President hereby makes the following rules, further to amend the Small Scale Industries Organisation (Class III and Class IV Posts) Recruitment Rules, 1960, published with the notification of the Government of India in the Ministry of Commerce and Industry No. S.R.O. 982 dated the 12th April, 1960 namely:—

- (1) These rules may be called the Small Scale Industries Organisation (Class III and Class IV Posts) Recruitment (Amendment) Rules, 1963.
- (2) Clause (1), Clause (2), and Clause (3) of rule 2 shall be deemed to have come into force with effect from 16th November 1961, 4th December, 1961, 12th April 1960, respectively.

2. In the Schedule to the Small Scale Industries Organisation (Class III and Class IV Posts) Recruitment Rules, 1960.

- (1) against item No. 1 in the entries relating to the post of Superintendent in column 11, for the words "The promotion shall be on the basis of All India Seniority List", the following words shall be substituted, namely:—

"The promotion shall be made by selection on All India basis from the seniority lists of Upper Division Clerks in the Small Industries Service Institutes and Extension/Production Centres".

- (2) against item No. 2, in the entries relating to the post of Upper Division Clerk.

- (i) for the existing entries in columns 6 and 7, the words "Not applicable" shall be substituted;

- (ii) for the existing entries in column 10, the words "By promotion" shall be substituted;

- (iii) in column 11—

- (a) in paragraph (a)—

- (i) for the word "State" the words "respective States" shall be substituted.

(1) the words "The promotion shall be made on the basis of seniority subject to the rejection of the unfit" shall be omitted.

(b) paragraph (b) shall be omitted.

(3) against item No. 4, in the entries relating to the post of Stenographer, in column 6, for the figures "21" the figures "24" shall be substituted.

[No. F. 25(20)/62-SSI(C).]

V. C NAIDU, Under Secy.

New Delhi, the 29th July 1963,

**S.O. 2145** In exercise of the powers conferred by the proviso to article 309 of the Constitution, the President hereby makes the following rules regulating the method of recruitment to persons of Class III (Non-ministerial) posts in the Small Scale Industries Organisation under the Ministry of Commerce and Industry, namely :—

1. *Short title* :—These rules may be called the Small Scale Industries Organisation (Class III Non-Ministerial posts) Recruitment Rules, 1963.
2. *Application* :—These rules shall apply to the posts specified in column 1 of the Schedule in the Small Scale Industries Organisation.
3. *Number of posts classification, scales of pay etc* :—The number of the said posts, their classification, the scales of pay attached thereto, the method of recruitment to the said posts, age limit and other matters relating to the said posts shall be as specified in columns 2 to 13 of the said Schedule ;  
Provided that the upper age limit prescribed for direct recruitment may be relaxed in the case of persons, belonging to Scheduled Castes, Scheduled Tribes, and other special categories of persons in accordance with the general orders issued by the Central Government from time to time.
4. *Disqualification* :—No persons who has more than one wife living or who having a spouse living, marries in any case in which such marriage is void by reasons of its taking place during the life time of such spouse, shall be eligible for appointment to the said posts and  
no woman whose marriage is void by reasons of the husband having a wife living at the time of such marriage, or who has married a persons who has a wife living at the time of such marriage, shall be eligible for appointment to the said posts ;  
Provided that the Central Government may, if satisfied that there are special grounds for so ordering, exempt any person from the operation of this rules.
5. *Power to relax* :—Where the Central Government is of the opinion that it is necessary or expedient so to do, it may, by order for reasons to be recorded in writing, relax any of the provisions of these rules with respect to any class or category of persons.

**SCHEDULE**

Name of post.	No. of post.	Classification.	Scale of pay.	Whether selection post or non-selection post	Age limit for direct recruitment	Education and other qualifications required.	Whether age & Educational qualifications prescribed for the direct recruits, will apply in the case of promotees.	period of probation if any	Method of rectt. whether by direct rectt. or by promotion, or transfer & percentage of the vacancies to be filled by various methods.	In case of rectt. by promotion transfer grades, from which promotion to be made.	If a D PC exists what is its composition.	
1	2	3	4	5	6	7	8	9	10	11	12	13
Draughtsman	53	Class III non-gazetted Non-	Rs. 205-7-240-8-280	Selection post.	20—28 years	(i) Matriculation. (ii) Diploma in mechanical	Ne.	2 years	By promotion failing which by direct re-	By promotion of draughtsman (Junior) Sur-	class III D.P.C	N.A

Ministerial				Civil draughtsmanship from a recognised Institution.		Enfranchisement.		Surveyor-cum-Draughtsman with three years service in the grade in the appropriate trade.				
(a) Draughtsman (Junior).	12	Class III non-gazetted Non-ministerial	Rs. 150-5-175-6-205-EB-7-240-	N.A.	20—25 years	(i) Matriculation.	Not applicable	2 years	By direct recruitment.	N.A.	N.A.	N.A.
(b) Surveyor-cum-Draughtsman						(ii) Diploma in Mechanical/Civil, Draughtsmanship from recognised Institution.						
						(iii) One years experience in design or drawing offices.						

V. C. NAIDU, Under Secy.

[No. 25-SSI(C)(18)/63.]

**(Office of the Joint Chief Controller of Imports & Exports)**

**Calcutta, the 1st July 1963**

**S.O. 2146.**—It is hereby notified, that in exercise of the powers conferred by clause 9 of the Imports (Control) Order, 1955, the Government of India in the Ministry of Commerce and Industry propose to cancel licence No. A654941/61 dt. 31st March, 1962 valued at Rs. 1320/- for the Import of Oil Citronela (serial No. 127-129/IV) from the Soft Currency Area except union of South Africa, granted by the Joint Chief Controller of Imports and Exports, Calcutta to M/s. Jayshree Soap Works, 4/45, Chanditala Lane, Calcutta unless sufficient cause against this is furnished to the Joint Chief Controller of Imports and Exports, Calcutta within ten days of the date of issue of this notice, by the said M/s. Jayshree Soap Works, 4/45, Chanditala Lane, Calcutta or any Bank, or any other party, who may be interested in it.

The grounds for the proposed cancellation is that the said licence was issued on the basis of I.V.C. Registration No. Cal/IVC/J-36/March '63, dated 14th February, 1962 which is alleged to have been got allotted in their favour by M/s. Jayshree Soap Works, Calcutta on production of a false Income Tax Clearance Certificate. Had this fact been known to the Licensing Authority the licence would not have been issued.

In view of what is stated above M/s. Jayshree Soap Works, 4/45, Chanditala Lane, Calcutta, or any Bank, or any other party, who may be interested in the said licence No. A654941/61 dt. 31st March, 1962 are hereby directed not to enter into any commitments against the said licence and return it immediately to the Joint Chief Controller of Imports and Exports, Calcutta.

[No. 49/63/CDN.]

**S.O. 2147.**—It is hereby notified, that in exercise of the powers conferred by clause 9 of the Imports (Control) Order, 1955, Government of India in the Ministry of Commerce and Industry propose to cancel licence No. A654456/61 dt. 9th April, 1962 valued at Rs. 3200/- for the Import of Palm Oil (Serial No. 61(b)/IV) from the Soft Currency Area except union of South Africa, granted by the Joint Chief Controller of Imports and Exports, Calcutta to M/s. Jayshree Soap Works, 4/45, Chanditala Lane, Calcutta unless sufficient cause against this is furnished to the Joint Chief Controller of Imports & Exports, Calcutta within ten days of the date of issue of this notice, by the said Messrs. Jayshree Soap Works, 4/45, Chanditala Lane, Calcutta or any bank, or any other party, who may be interested in it.

The grounds for the proposed cancellation is that the said licence was issued on the basis of I.V.C. Registration No. Cal/IVC/J-36/March '63, dated 14th February, 1962 which is alleged to have been got allotted in their favour by M/s. Jayshree Soap Works, Calcutta on production of a false Income Tax Clearance Certificate. Had this fact been known to the Licensing Authority the licence would not have been issued.

In view of what is stated above M/s. Jayshree Soap Works, 4/45, Chanditala Lane, Calcutta, or any Bank, or any other party, who may be interested in the said licence No. A654456/61 dated 9th April, 1962 are hereby directed not to enter into any commitments against the said licence and return it immediately to the Joint Chief Controller of Imports and Exports, Calcutta.

[No. 49/63/CDN.]

**S.O. 2148.**—It is hereby notified, that in exercise of the powers conferred by clause 9 of the Imports (Control) Order, 1955, the Government of India in the Ministry of Commerce and Industry propose to cancel licence No. A961395/62 dt. 16th February, 1963 valued at Rs. 4410/- for the Import of Tallow (Serial No. 60/IV) from the Soft Currency Area except Union of South Africa, granted by the Joint Chief Controller of Imports and Exports, Calcutta to M/s. Jayshree Soap Works, 4/45, Chanditala Lane, Calcutta unless sufficient cause against this is furnished to the Joint Chief Controller of Imports and Exports Calcutta within ten days of the date of issue of this notice, by the said M/s. Jayshree Soap Works, 4/45, Chanditala Lane, Calcutta or any Bank, or any other party, who may be interested in it.

The grounds for the proposed cancellation is that the said licence was issued on the basis of I.V.C. Registration No. Cal/IVC/J-36/March '63, dated 14th February, 1962 which is alleged to have been got allotted in their favour by M/s. Jayshree Soap Works, Calcutta on production of a false Income Tax Clearance Certificate.

Had this fact been known to the Licensing Authority the licence would not have been issued.

In view of what is stated above M/s. Jayshree Soap Works, 4/45, Chanditala Lane, Calcutta, or any Bank, or any other party, who may be interested in the said licence No. A961395/62 dated 16th February, 1963 are hereby directed not to enter into any commitments against the said licence and return it immediately to the Joint Chief Controller of Imports & Exports Calcutta.

[No. 49/63/CDN.]

**S.O. 2149.**—It is hereby notified, that in exercise of the powers conferred by clause 9 of the Imports (Control) Order, 1955, the Government of India in the Ministry of Commerce and Industry propose to cancel licence No. A557880/62 dt. 26th December, 1962 valued at Rs. 5440/- for the Import of Palm Oil (Serial No. 61(b)/IV) from the Soft Currency area except Union of South Africa, granted by the Joint Chief Controller of Imports and Exports, Calcutta to M/s. Jayshree Soap Works, 4/45, Chanditala Lane, Calcutta unless sufficient cause against this is furnished to the Joint Chief Controller of Imports and Exports, Calcutta within ten days of the date of issue of this notice, by the said M/s. Jayshree Soap, Works, 4/45, Chanditala Lane, Calcutta or any Bank, or any other party, who may be interested in it.

The grounds for the proposed cancellation is that the said licence was issued on the basis of I.V.C. Registration No. Cal/IVC/J-36/March '63, dated 14th February, 1962 which is alleged to have been got allotted in their favour by M/s. Jayshree Soap Works, Calcutta on production of a false Income Tax Clearance Certificate. Had this fact been known to the Licensing Authority the licence would not have been issued.

In view of what is stated above M/s. Jayshree Soap Works, 4/45, Chanditala Lane, Calcutta, or any Bank, or any other party, who may be interested in the said licence No. A557880/62 dated 26th February, 1962 are hereby directed not to enter into any commitments against the said licence and return it immediately to the Joint Chief Controller of Imports and Exports, Calcutta.

[No. 49/63/CDN.]

**S.O. 2150.**—It is hereby notified, that in exercise of the powers conferred by clause 9 of the Imports (Control) Order, 1955, the Government of India in the Ministry of Commerce and Industry propose to cancel licence No. A652459/61 dt. 16th February, 1963 valued at Rs. 2630/- for the Import of Tallow (Serial No. 60/IV) from the Soft Currency Area except Union of South Africa, granted by the Joint Chief Controller of Imports and Exports Calcutta to M/s. Jayshree Soap Works, 4/45, Chanditala Lane, Calcutta unless sufficient cause against this is furnished to the Joint Chief Controller of Imports and Exports, Calcutta within ten days of the date of issue of this notice, by the said M/s. Jayshree Soap Works, 4/45, Chanditala Lane, Calcutta or any Bank, or any other party, who may be interested in it.

The grounds for the proposed cancellation is that the said licence was issued on the basis of I.V.C. Registration No. Cal/IVC/J-36/March '63, dated 14 February, 1962 which is alleged to have been got allotted in their favour by M/s. Jayshree Soap Works, Calcutta on production of a false Income Tax Clearance Certificate. Had this fact been known to the Licensing Authority the licence would not have been issued.

In view of what is stated above M/s. Jayshree Soap Works, 4/45, Chanditala Lane, Calcutta, or any Bank, or any other party, who may be interested in the said licence No. A652459/61 dated 16th February, 1963 are hereby directed not to enter into any commitments against the said licence and return it immediately to the Joint Chief Controller of Imports and Exports, Calcutta.

[No. 49/63/CDN.]

**S.O. 2151.**—It is hereby notified, that in exercise of the powers conferred by clause 9 of the Imports (Control) Order, 1955, the Government of India in the Ministry of Commerce and Industry propose to cancel licence No. A557645/62 dt. 31st December, 1962 valued at Rs. 2168/- for the Import of Copra (Serial No. 38/IV) from the Soft Currency Area except Union of South Africa granted by the Joint Chief Controller of Imports and Exports, Calcutta within ten days of the date of issue of this notice, by the said M/s. Jayshree Soap Works, 4/45, Chanditala Lane, Calcutta or any Bank, or any other party, who may be interested in it.

The grounds for the proposed cancellation is that the said licence was issued on the basis of I.V.C. Registration No. Cal/IVC/J-38/March 1963 dated 14th February, 1962 which is alleged to have been got allotted in their favour by M/s. Jayshree Soap Works, Calcutta on production of a false Income Tax Clearance Certificate. Had this fact been known to the Licensing Authority the licence would not have been issued.

In view of what is stated above M/s. Jayshree Soap Works, 4/45, Chanditala Lane, Calcutta, or any Bank, or any other party, who may be interested in the said licence No. A557645/62 dated 31st December 1962 are hereby directed not to enter into any commitments against the said licence and return it immediately to the Joint Chief Controller of Imports and Exports, Calcutta.

[No. 49/63/CDN.]

**S.O. 2152.**—It is hereby notified, that in exercise of the powers conferred by clause 9 of the Imports (Control) Order, 1955, the Government of India, in the Ministry of Commerce and Industry propose to cancel licence No. A655436/61, dated 6th March, 1962 valued at Rs. 2550/- for the Import of Copra (Serial No. 38/IV) from the Soft Currency Area except Union of South Africa granted by the Joint Chief Controller of Imports and Exports, Calcutta within ten days of date of issue of this notice, by the said M/s. Jayshree Soap Works, 4/45, Chanditala Lane, Calcutta or any Bank, or any other party, who may be interested in it.

The grounds for the proposed cancellation is that the said licence was issued on the basis of I.V.C. Registration No. Cal/IVC/J-38/March 1963, dated 14th February 1962 which is alleged to have been got allotted in their favour by M/s. Jayshree Soap Works, Calcutta on production of a false Income Tax Clearance Certificate. Had this fact been known to the Licensing Authority the licence would not have been issued.

In view of what is stated above, M/s. Jayshree Soap Works, 4/45, Chanditala Lane, Calcutta, or any Bank, or any other party, who may be interested in the said licence No. A655436/61, dated 6th March 1962 are hereby directed not to enter into any commitments against the said licence and return it immediately to the Joint Chief Controller of Imports and Exports, Calcutta.

[No. 49/63/CDN.]

**S.O. 2153.**—It is hereby notified, that in exercise of the powers conferred by clause 9 of the Imports (Control) Order, 1955, the Government of India, in the Ministry of Commerce and Industry propose to cancel licence No. A653898/61, dated 30th April 1962 valued at Rs. 1,000/- for the Import of N.E. Oil (Serial No. 127—129/IV) from the Soft Currency Area except Union of South Africa, granted by the Joint Chief Controller of Imports and Exports, Calcutta to M/s. Jayshree Soap Works, 4/45, Chanditala Lane, Calcutta unless sufficient cause against this is furnished to the Joint Chief Controller of Imports and Exports, Calcutta within ten days of the date of issue of this notice, by the said M/s. Jayshree Soap Works, 4/45, Chanditala Lane, Calcutta or any Bank, or any other party, who may be interested in it.

The grounds for the proposed cancellation is that the said licence was issued on the basis of I.V.C. Registration No. Cal/IVC/J-38/March 1963, dated 14th February 1962 which is alleged to have been got allotted in their favour by M/s. Jayshree Soap Works, Calcutta on production of a false Income Tax Clearance Certificate. Had this fact been known to the Licensing Authority the licence would not have been issued.

In view of what is stated above, M/s. Jayshree Soap Works, 4/45, Chanditala Lane, Calcutta, or any Bank, or any other party, who may be interested in the said licence No. A653898/61, dated 30th April 1962 are hereby directed not to enter into any commitments against the said licence and return it immediately to the Joint Chief Controller of Imports and Exports, Calcutta.

[No. 49/63/CDN.]

**S.O. 2154.**—It is hereby notified, that in exercise of the powers conferred by clause 9 of the Imports (Control) Order, 1955, the Government of India, in the Ministry of Commerce and Industry propose to cancel licence No. A557635/62, dated 31st December, 1962 valued at Rs. 1,700/- for the Import of N.E. Oil (Serial No. 127/129/IV) from the Soft Currency Area except Union of South Africa, granted by the Joint Chief Controller of Imports and Exports, Calcutta

to M/s. Jayshree Soap Works, 4/45, Chanditala Lane, Calcutta unless sufficient cause against this is furnished to the Joint Chief Controller of Imports and Exports, Calcutta within ten days of the date of issue of this notice, by the said M/s. Jayshree Soap Works, 4/45, Chanditala Lane, Calcutta or any Bank, or any other party, who may be interested in it.

The grounds for the proposed cancellation is that the said licence was issued on the basis of I.V.C. Registration No. Cal/IVC/J-36/March 1963, dated 14th February 1962 which is alleged to have been got allotted in their favour by M/s. Jayshree Soap Works, Calcutta on production of a false Income Tax Clearance Certificate. Had this fact been known to the licensing Authority the licence would not have been issued.

In view of what is stated above, M/s. Jayshree Soap Works, 4/45, Chanditala Lane, Calcutta, or any Bank, or any other party, who may be interested in the said licence No. A557635/62, dated 31st December, 1962 are hereby directed not to enter into any commitments against the said licence and return it immediately to the Joint Chief Controller of Imports and Exports, Calcutta.

[No. 49/63/CDN.]

**S.O. 2155.**—It is hereby notified, that in exercise of the powers conferred by clause 9 of the Imports (Control) Order, 1955, the Government of India, in the Ministry of Commerce and Industry propose to cancel licence No. A961780/62, dated 21st January, 1963, valued at Rs. 544/- for the Import of Oil Citronela (Sérial No. 127—129/IV), from the Soft Currency Area except Union of South Africa, granted by the Joint Chief Controller of Imports and Exports, Calcutta to M/s. Jayshree Soap Works, 4/45, Chanditala Lane, Calcutta unless sufficient cause against this is furnished to the Joint Chief Controller of Imports and Exports, Calcutta within ten days of the date of issue of this notice, by the said M/s. Jayshree Soap Works, 4/45, Chanditala Lane, Calcutta or any Bank, or any other party, who may be interested in it.

The grounds for the proposed cancellation is that the said licence was issued on the basis of I.V.C. Registration No. Cal/IVC/J-36/March 1963, dated 14th February, 1962 which is alleged to have been got allotted in their favour by M/s. Jayshree Soap Works, Calcutta on production of a false Income Tax Clearance Certificate. Had this fact known to the Licensing Authority the licence would not have been issued.

In view of what is stated above, M/s. Jayshree Soap Works, 4/45, Chanditala Lane, Calcutta, or any Bank, or any other party, who may be interested in the said licence No. A961780/62, dated 21st January, 1963 are hereby directed not to enter into any commitments against the said licence and return it immediately to the Joint Chief Controller of Imports and Exports, Calcutta.

[No. 49/63/CDN.]

**S.O. 2156.**—It is hereby notified, that in exercise of the powers conferred by clause 9 of the Imports (Control) Order, 1955, the Government of India, in the Ministry of Commerce and Industry propose to cancel licence No. A961482/62, dated 21st February, 1963, valued at Rs. 1,488/- for the Import of Oil Citronela (Serial No. 127—129/IV) from the Soft Currency Area except Union of South Africa, granted by the Joint Chief Controller of Imports and Exports, Calcutta to M/s. Jayshree Soap Works, 4/45, Chanditala Lane, Calcutta unless sufficient cause against this is furnished to the Joint Chief Controller of Imports and Exports, Calcutta within ten days of the date of issue of this notice, by the said M/s. Jayshree Soap Works, 4/45, Chanditala Lane, Calcutta or any Bank or any other party, who may be interested in it.

The grounds for the proposed cancellation is that the said licence was issued on the basis of I.V.C. Registration No. Cal/IVC/J-36/March 1963, dated 14th February 1962 which is alleged to have been got allotted in their favour by M/s. Jayshree Soap Works, Calcutta on production of a false Income Tax Clearance Certificate. Had this fact been known to the Licensing Authority the licence would not have been issued.

In view of that is stated above, M/s. Jayshree Soap Works, 4/45, Chanditala Lane, Calcutta, or any Bank, or any other party, who may be interested in the said licence No. A961482/62, dated 21st February, 1963 are hereby directed not to enter into any commitments against the said licence and return it immediately to the Joint Chief Controller of Imports and Exports, Calcutta.

[No. 49/63/CDN.]

**S.O. 2157.**—It is hereby notified, that in exercise of the powers conferred by clause 9 of the Imports (Control) Order, 1955, the Government of India, in the Ministry of Commerce and Industry propose to cancel licence No. A653700/61, valued at Rs. 500/-, dated 3rd May 1962 for the Import of Soap Colours (Serial No. 34—37/V) from the Soft Currency Area except Union of South Africa, granted by the Joint Chief Controller of Imports and Exports, Calcutta to M/s. Jayshree Soap Works, 4/45, Chanditala Lane, Calcutta unless sufficient cause against this is furnished to the Joint Chief Controller of Imports and Exports, Calcutta within ten days of the date of issue of this notice, by the said M/s. Jayshree Soap Works, 4/45, Chanditala Lane, Calcutta or any Bank or any other party, who may be interested in it.

The grounds for the proposed cancellation is that the said licence was issued on the basis of I.V.C. Registration No. Cal/IVC/J-36/March 1963, dated 14th February 1962 which is alleged to have been got allotted in their favour by M/s. Jayshree Soap Works, Calcutta on production of a false Income Tax Clearance Certificate. Had this fact been known to the licensing Authority the licence would not have been issued.

In view of what is stated above M/s. Jayshree Soap Works, 4/45, Chanditala Lane, Calcutta, or any Bank or any other party, who may be interested in the said licence No. A653700/61, dated 3rd May, 1962 are hereby directed not to enter into any commitments against the said licence and return it immediately to the Joint Chief Controller of Imports and Exports, Calcutta.

[No. 49/63/CDN.]

P. K. BISWAS,

Dy. Chief Controller of Imports and Exports, Calcutta.

(Office of the Deputy Chief Controller of Imports and Exports)

(Central Licensing Area)

ORDER

New Delhi, the 3rd August 1963

**S.O. 2158.**—Whereas M/s. Rama Industries, Industrial Area, Bahadurgarh or any Bank or any other person have not come forward furnishing sufficient cause, against Notice No. DCCI/I(CLA)/253/62/2309, dated 27th June 1963 proposing to cancel licence No.(s) A 611252/61, dated 24th May 1962 valued at Rs. 2,500/- for import of Molybdenum Metal (2) A 611253/61, dated 24th May 1962 valued at Rs. 2,500/- for import of Tungstone Metal Powder and (3) A 611254/61, dated 24th May 1962 for Rs. 1,250/- for import of Silicon Carbide Crucibles granted to said M/s. Rama Industries, Industrial Area, Bahadurgarh by the Deputy Chief Controller of Imports and Exports (Central Licensing Area) Jan Path Barracks 'B', New Delhi, Government of India in the Ministry of Commerce and Industry in exercise of the powers conferred by the clause 9 of the Import (Control) Order 1955, hereby cancel the said licence No.(s) A 611252/61 dt. 24th May 1962 (2) A 611253/61 dated 24th May 1962 and (3) A 611254/61 dated 24th May 1962 issued to M/s. Rama Industries, Industrial Area, Bahadurgarh.

M/s. Rama Industries, Industrial Area Bahadurgarh.

[No. DCCI/I(CLA)/253/62.]

NOTICE

New Delhi, the 3rd August, 1963

**S.O. 2159.**—It is hereby notified that in exercise of the powers conferred by clause 9 of the Imports (Control) Order 1955, the Government of India, in the Ministry of Commerce and Industry propose to cancel two import licences No. (I) A576424/62, dated 12th December 1962 for Rs. 3750/- for import of Radio Parts and Licence No. A/668218/61, dated 22nd January 1962 for Rs. 6750/- for import of cheap Radio Parts granted by Dy. Chief Controller of Imports & Exports (Central Licensing Area) New Delhi to M/s. Radio House, 402, Lajpat Rai Market, Delhi unless sufficient cause against this is furnished to the Dy. Chief Controller of Imports and Exports (Central Licensing Area), New Delhi within ten days of the date of issue of this Notice by the said M/s. Radio House, 402 Lajpat Rai Market, Delhi or any Bank or any other party, who may be interested in it.

2. The grounds of the proposed cancellation of the licences in question are that the licences No. A576424/62, dated 12th December 1962 for Rs. 3750 for

import of Radio Parts and (2) A668218/61, dated 22nd January 1962 for Rs. 6750/- for import of Cheap Radio Parts, were obtained by misrepresentation.

3. In view of what is stated above M/s. Radio House, 402, Lajpat Rai Market, Delhi or any Bank or any other party who may be interested in the said licences No. A576424/62, dated 12th December 1962 and A668218/61, dated 22nd January 1962 are hereby directed not to enter into any commitments against the said licences and return the same immediately to the Dy. Chief Controller of Imports & Exports (Central Licensing Area), New Delhi.

M/s Radio House, 402-Lajpat Rai Market, Delhi.

[No. DCCI.I(CLA)/34/63.]

RAM MURTI SHARMA,

Dy. Chief Controller of Imports & Exports.

(Indian Standards Institution)

New Delhi, the 23rd July 1963

S.O. 2160:—In pursuance of sub-regulations (2) and (3) of regulation 3 of the Indian Standards Institution (Certification Marks) Regulations, 1955, as amended in 1961 and 1962, the Indian Standards Institution hereby notifies that the Indian Standard (s), particulars of which are given in the Schedule hereto annexed, have been established during the period 1 July to 22 July 1963.

THE SCHEDULE

Sl. No.	No. and Title of the Indian Standard established	No. and Title of the Indian Standard or Standards, if any, superseded by the new Indian Standard	Brief Particulars
(1)	(2)	(3)	(4)
1	IS:629-1963 Specification for Bicycle Hub Assemblies ( <i>Revised</i> ).	IS:629-1955 Specification for Bicycle Hub Assemblies ( <i>Tentative</i> ).	This standard covers the requirements for front and rear hub assemblies suitable for fitting in popular sizes of bicycles in use in the country. (Price Rs. 2.00).
2	IS:666-1963 Specification for Drilling Jig Bushes ( <i>Revised</i> ).	IS:666-1955 Specification for Drilling Jig Bushes ( <i>Tentative</i> ).	This standard covers the more commonly used types of jig bushes, namely, fixed bushes (long and short), slip bushes and liner bushes (long and short). These are used in drilling and reaming work. (Price Rs. 2.00).
3	IS: 1172-1963 Code of basic requirements for Water Supply, Drainage and Sanitation ( <i>Revised</i> ).	IS: 1172-1957 Code of Basic Requirements for Water Supply Drainage and Sanitation.	This standard lays down basic requirements for water supply drainage and sanitation for residential, commercial, industrial and other types of buildings including railway platforms, bus-stations and bus terminals. (Price Rs. 4.50).
4	IS:1304-1963 Glossary of Terms Used in Fertilizer Trade and Industry ( <i>Revised</i> ).	IS:1304-1958 Glossary of Terms Used in Fertilizer Trade and Industry.	This standard defines the terms widely used in the fertilizer trade and industry in this country. (Price Rs. 3.00).
5	IS:1448 (Part II) 1962 Methods of Test for Petroleum and its Products, Part II.	..	This standard prescribes the methods of test which are common to several detailed Indian Standard specifications for individual petroleum products. It covers definitions of terms used in the trade and industry.

(1)	(2)	(3)	(4)
			and test procedures for determining bromine number, knock characteristics of aviation and high performance fuels, olefines and aromatic content, and thermal stability of aviation turbine fuels. (Price Rs. 10.00).
6	IS:1715-1963 Dimensions for Self-Holding Tapers	..	This standard specifies the dimensions of a rational series of self-holding tapers selected from the existing Morse and metric series. It also specifies the dimensions of counterbores for tool shanks with tapped end. (price Rs. 3.00)
7	IS:1916-1963 Specification for Steel Cylinder Reinforced Concrete Pipes.	.	This specification lays down requirements and methods of tests for steel cylinder reinforced concrete pipes having nominal internal diameter from 200mm to 1,800 mm for use in water mains, sewers, irrigation works and similar situations. The specification covers pipes having (a) spigot and socket ends and (b) plain ends or slip-in type ends suitable for field welding. (price Rs. 2.50).
8	IS:1931-1962 Specification for Engineers Files	'.	This standard covers :— (a) General Requirements and Methods of Test for Files. (b) Dimensional and Test Requirements for Engineer's Files. (c) Dimensional and Test Requirements for Saw Files, and (d) Dimensional and Test Requirements for Mill Files and Miscellaneous Files. (Price Rs. 6.50).
9	IS:2194-1963 Code for Seaworthy Packaging of Man-Made Fibre Fabrics	..	This code prescribes the method of packaging man-made fibre fabrics intended for transport by sea. (Price Rs. 2.00).
10	IS:2276-1962 Specification for Vegetable and Aluminium Tanned Snakeskins	..	This standard prescribes the requirements and the methods of test for vegetable and aluminium tanned snakeskins. (Price Rs. 4.00).
11	IS:2285-1963 Specification for Cast Iron Surface Plates	..	This standard covers the requirements of rectangular and square surface plates made of cast iron, used for inspection and marking purposes. (Price Rs. 3.50).
12	IS:2288-1963 Specification for Ranging Rods	..	This standard covers the requirements for ranging rods. (Price Re. 1.00).
13	IS:2289-1963 Specification for 60° Dead Centres for Lathes	..	This standard covers the requirements for 60° dead centres for lathes. Dimensions for half centres have also been covered in this specification. (Price Re. 1.00).
14	IS:2308-1963 Test Chart for Slotting Machines.	..	This standard prescribes the limits of accuracies for slotting machines. (Price Rs. 2.50).

(1)	(2)	(3)	(4)
15	IS:2320-1963 Methods of Measurements for Amplitude Modulated Radio Frequency Signal Generators (30 Kc/s to 30 Mc/s)	..	This standard lays down the conditions and detailed procedures for the tests to be conducted on all classes of amplitude modulated (sinusoidal modulation) radio frequency signal generators in the frequency range of 30 Kc/s to 30 Mc/s to determine their performance characteristics. (Price Rs. 4.50).
16	IS:2344-1963 Specification for Chewing Tobacco Zarda Flake Type.	..	This standard prescribes the requirements for quality, packing, and the methods of test for chewing tobacco zarda flake type, manufactured in India. (Price Rs. 4.50).
17	IS:2352-1963 Procedure for Basic Climatic and Durability Tests for Optical Instruments.	..	This standard lays down general procedures for climatic and mechanical robustness tests designed to assess the durability under various conditions of use, transport and storage of different types of optical instruments. (Price Rs. 5.50).
18	IS:2354-1963 Specification for Ethyl Mercury Chloride, Technical	..	This standard prescribes the requirements and the methods of test for ethyl mercury chloride, technical. (Price Rs. 2.50).
19	IS:2355-1963 Specification for Stabilized Ethoxy Ethyl Mercury Chloride Concentrate.	..	This standard prescribes the requirements and the methods of test for stabilized ethoxy ethyl mercury chloride concentrate. (Price Rs. 2.50).
20	IS:2357-1963 Specification for Formulations Based on Phenyl Mercury Acetate.	..	This standard prescribes the requirements and the methods of test for the formulations based on phenyl mercury acetate. (Price Rs. 2.00).
21	IS:2358-1963 Specification for Formulations Based on Stabilized Methoxy Ethyl Mercury Chloride Concentrate.	..	This standard prescribes the requirements and the methods of test for the formulations based on stabilized methoxy ethyl mercury chloride concentrate. (Price Rs. 2.00).
22	IS:2359-1963 Specification for Formulations Based on Stabilized Ethoxy Ethyl Mercury Chloride Concentrate.	..	This standard prescribes the requirements and the methods of test for the formulations based on stabilized methoxy ethyl mercury chloride concentrate. (Price Rs. 2.00).
23	IS:2360-1963 Specification for Worsted Jerseys	..	This standard prescribes the constructional details and other particulars of worsted jerseys, white, dyed or mixture shades. (Price Rs. 3.00).
24	IS:2364-1963 Glossary of Textile Terms—Fabrics Made from Natural Fibres.	..	This standard prescribes definitions of textile terms relating to fabrics made from natural fibres, namely, cotton, wool, silk and Jute. (Price Rs. 4.50).
25	IS:2365-1963 Specification for Steel Wire Suspension Ropes for Lifts and Hoist.	..	This standard covers round strand steel wire suspension ropes of Lang's lay or ordinary lay from 6mm to 25 mm in diameter, and flattened strand from 10mm to 25 mm in diameter, for use with lifts or hoists having cars or platforms carrying passengers or goods and working in guides. (Price Rs. 3.50).
26	IS:2367-1963 Test Chart for Box Column Drilling Machines.	..	This standard prescribes the limits of accuracies for box column drilling machine. (Price Rs. 2.50).

(1)	(2)	(3)	(4)
27	IS:2369-1963 Method for Determination of Absorbency of Highly Absorbent Materials such as Cotton Gauze and Cotton Wool.	..	This standard prescribes a method for the determination of the absorbency of highly absorbent materials such as cotton gauze, cotton wool, etc. (Price Re. 1.00).
28	IS:2370-1963 Specification for Sectional Cold Rooms (Walk-In Type).	..	This standard covers the general construction requirements, methods of computing volumes and self areas of sectional cold rooms within the range of 3,000 to 45,000 litres gross volume capacity and operated by an electrically driven refrigerating machine of the vapour compression type. The methods of carrying out tests on sectional cold rooms are also specified. (Price Rs. 4.50).
29	IS:2371-1963 Specification for Solid Drawn Copper Alloy Tubes for Condensers, Evaporators, Heaters and Coolers Using Saline and Hard Water.	..	This standard covers the requirements for solid drawn cupro-nickel and aluminium brass alloy tubes of outside diameter 10 mm to 40 mm both, inclusive for use in condensers, evaporators, heaters and coolers using saline and hard water. (Price Rs. 3.00).
30	IS:2372-1963 Specification for Timber for Cooling Towers.	..	This standard covers the species, grades, requirements and treatments for timber used in the construction of cooling towers. (Price Rs. 2.00).
31	IS:2375-1963 Recommendation for Modular Coordination Applied to RCC Framed Structures.	..	This standard lays down recommendation for preferred dimensions of reinforced concrete structural members like beams, columns, braces, and their relative disposition with a view to achieving modular coordination. (Price Re. 1.00).
32	IS:2376-1963 Colour Code for the Identification of Copper and Copper Alloys.	..	This standard prescribes a scheme of colour coding for identification of copper and copper alloys on the basis of chemical composition. (Price Rs. 2.00).
33	IS:2378-1963 Code for Designation of Copper and Copper Alloys.	..	This standard specifies the symbols which shall be used for the designation of copper and copper alloys on the basis of the chemical compositions, physical conditions, etc. It is intended that only the minimum number of symbols shall be used. (Price Rs. 1.50).
34	IS:2380-1963 Methods of Test for Wood Particle Boards and Boards from Other Lignocellulosic Materials.	..	This standard covers the preparation and conditioning of test pieces and the methods for carrying out the various tests on wood particle boards (Price Rs. 6.50).
35	IS:2382-1963 Recommended Mounting Dimensions of Loudspeakers	..	This standard lays down the recommended mounting dimensions for single cone moving coil (dynamic) loudspeakers of direct radiator type having cones of circular and elliptical sections. (Price Re. 1.00).
36	IS:2383-1963 Code of Practice for Calibration of Vehicle Tanks for Petroleum Products and other Liquids.	..	This standard covers recommendations for the calibration of vehicle tanks which are used for transport of petroleum products and other Liquids. (Price Rs. 2.00).

(1)	(2)	(3)	(4)
37	IS:2384-1963 Specification for Tin Anodes for Electroplating.	..	This standard covers the requirements for tinanodes used for electroplating. (Price Re. 1.00).
38	IS:2387-1963 - Method for Determination of Weight Per Linear Metre (Or Linear Yard) and Weight per Square Metre (Or Square Yard) of Jute Fabrics.	..	This standard prescribes a method for determination of weight per linear metre (or linear yard) and the weight per square metre (or square yard) of jute fabrics. (Price Re. 1.00).
39	IS:2389-1963 Specification for Hexagonal Head Bolts, Screws, Nuts and Lock Nuts (M 1.6 to M5)	..	This standard covers the requirements for hexagonal head bolts, screws, nuts and lock nuts for sizes M 1.6 to M5. (Price Rs. 2.00).

Copies of these Standards are available for sale, with the Indian Standards Institution Manak Bhavan, 9 Mathura Road, New Delhi-1, and also at its branch offices at (i) 232 Dr. Dadabhai Naroji Road, Fort, Bombay-1, (ii) Third Floor, 11 Sooterkin Street, Calcutta-19, (iii) Second Floor, Sathyamurthi Bhavan, 54, General Patters Road, Madras-2, (iv) 14/69 Civil Lines, Kanpur.

[No. MD/13:2.]

A. N. GHOSH,  
Joint Director.

## MINISTRY OF INDUSTRY

### ORDER

*New Delhi, the 23rd July 1963*

**S.O. 2161.**—In exercise of the powers conferred by section 5 of the Industries (Development and Regulation) Act, 1951 (65 of 1951), the Central Government hereby appoints Shri S. M. Ramakrishna Rao to be a member of the Central Advisory Council of Industries established by the Order of the Government of India in the Ministry of Commerce and Industry No. S.O. 1932, dated the 5th July, 1963, till the 4th July 1965, and directs that the following amendment shall be made in the said Order, namely:—

In the said Order after entry No. 17 relating to Shri N. B. Prasad, the following entry shall be added, namely:—

"17A. Shri S. M. Ramakrishna Rao 'Lakshmi Nivas', Fort, Bangalore-2."	'owners'	'Member'
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[No. 1(2)Lic. Pol./63.]

J. S. BAKSHI, Under Secy.

## MINISTRY OF INTERNATIONAL TRADE

*New Delhi, the 24th July 1963*

**S.O. 2162.**—In exercise of the powers conferred by sub-section (2) of section 18E of the Industries (Development and Regulation) Act, 1951 (65 of 1951), the Central Government hereby makes the following amendment in the notification of the Government of India in the Ministry of Commerce and Industry No. 10(23)-Tex(A) 62, dated the 6th April, 1963, specifying the exceptions, restrictions and limitations subject to which the Companies Act, 1956, shall continue to apply to the industrial undertaking called the Pratap Spinning, Weaving and Manufacturing Company Ltd., Amalner, namely:—

In the Schedule to the said Notification, the following items and entries shall be inserted at the end, namely:—

Section 445.	Sub-section (3) of this section shall not apply in relation to such officers and employees of the Industrial undertaking as are concerned with the running of its Mills and ancillary offices by the Authorised Controller.
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- Section 454 . . . Sub-section (5) of this section shall not apply in relation to the Authorised Controller.
- Section 456 . . . This section shall not apply in relation to the property and effects of the industrial undertaking in the custody or control of the Authorised Controller until the sale of the plant and machinery belonging to the industrial undertaking.
- Section 457 read with section 458. . . Clause (b) of sub-section (1) of section 457 shall not apply in relation to the running of the mills and ancillary offices of the industrial undertaking by the Authorised Controller and clause (d) of that sub-section shall not apply in relation to the raising of any requisite money on the security of the assets of the industrial undertaking in the custody or control of the Authorised Controller.
- Section 460 . . . This section shall not apply in relation to any assets of the industrial undertaking so long as such assets are in the custody or control of the Authorised Controller.
- Section 468 . . . This section shall not apply in relation to any money, a property or books and papers in the hands of the Authorised Controller to which the industrial undertaking is *prima facie* entitled.
- Section 471. . . This section shall not apply in relation to monies in the custody of the Authorised Controller or any monies becoming due to the industrial undertaking in the course of or in connection with the running of its mills and ancillary offices by the Authorised Controller.
- Section 472 . . . This section shall not apply to monies and securities paid or delivered into the Reserve Bank of India in any account opened by the Authorised Controller.
- Sections 477 & 478 . . . These sections shall not apply in relation to the Authorised Controller on condition that he presents in each year to the Official Liquidator a statement in the form set out in Schedule VI to the Companies Act, 1956, or in a form as near thereto as the circumstances of the case admit, giving a true and fair view of the state of affairs of the industrial undertaking at the end of the financial year and of the profit and loss for the financial year, duly audited by a person qualified as an auditor under section 226 of the Companies Act, 1956.
- Section 535 . . . This section shall not apply in respect of the property in the custody of the Authorised Controller.
- Section 536 . . . Sub-section (2) of this section shall not apply to any disposition of property by the Authorised Controller either for raising any monies on the security of the property in his custody or in the course of or in connection with the running of the mills and ancillary offices."

[No. F. 10(23)-Tex(A)/62.]

**S.O. 2163.**—Whereas the Central Government has, by its order in the Ministry of Commerce and Industry, No. F. 10(23)-Tex(A)/62, dated the 4th March, 1963, issued under section 18A of the Industries (Development and Regulation) Act, 1951 (65 of 1951), authorised Shri S. A. Kher to take over the management of the whole of the Industrial Undertaking called the Pratap Spinning, Weaving and Manufacturing Company, Limited, Amalner, for the period specified therein;

And whereas proceedings for the winding up of the said undertaking were pending in the Bombay High Court on the date of the said Order.

Now, therefore, in exercise of the powers conferred by clause (c) of sub-section (1) of section 18E of the said Act, the Central Government hereby accords its consent to the continuance of the said proceedings in the Bombay High Court.

[No. F. 10(23)-Tex(A)/62.]

T. S. KUNCHITHAPATHAM, Dy. Secy.

COFFEE CONTROL

New Delhi, the 24th July 1963

S.O. 2164.—In exercise of the powers conferred by the proviso to sub-section (2) of section 40 of the Coffee Act, 1942 (7 of 1942), the Central Government hereby directs that the previous sanction of that Government required under the said sub-section shall not be necessary for complaints with regard to the following offences under the said Act, namely:—

- (i) Section 17 read with section 36 (sale of coffee in excess of the internal sale quota);
- (ii) Section 18 read with section 36 (sale of coffee which has not been cured at or is not delivered to the buyer through a curing establishment licensed under section 28 or sale of coffee without a licence procured from the Board under section 24);
- (iii) Section 23 read with section 37A (Failure to submit returns);
- (iv) Section 25 read with section 38A (Failure to deliver surplus pool coffee);
- (v) Section 37 (Curing establishment operating as such without a licence);
- (vi) Section 38 (Submission of false returns);
- (vii) Section 39 (Obstructing duly authorised persons from the discharge of their duties).

[No. 2(6)Plant(B)/63.]

B. KRISHNAMURTHY, Under Secy.

ORDER

IMPORT TRADE CONTROL

New Delhi, the 3rd August 1963

S.O. 2165/IECA/3-4A/6/63.—In exercise of the powers conferred by section 3 of the Imports and Exports (Control) Act, 1947 (18 of 1947), the Central Government hereby makes the following order further to amend the Imports (Control) Order, 1955, namely:—

1. *Short title*.—This order may be called the Imports (Control) 11th Amendment Order, 1963.

2. *Amendment of clause 11(1)*.—In the Imports (Control) Order, 1955, for sub-clause (1) of clause 11, the following sub-clause shall be substituted, namely:—

- “(1) of Indian manufacture and foreign made parts of such goods, exported and received back by the manufacturer(s) from the consignee for repair and re-export provided that:—
- (i) the Customs authorities are satisfied with the *bonafides* of the case, and
- (ii) in the case of goods other than those exempt from customs duty on re-importation under Customs Notification No. 132, dated 9th December 1961, a bond is executed by the importer with the Import Trade Control authority at the port concerned to the effect that the goods thus imported will be re-exported after repair within six months.”.

[No. 13/63.]

M. L. GUPTA, Under Secy.

**MINISTRY OF SCIENTIFIC RESEARCH AND CULTURAL AFFAIRS****ARCHAEOLOGY**

*New Delhi, the 25th July 1963*

**S.O. 2166.**—Whereas the Central Government is of opinion that the archaeological site and remains specified in the Schedule attached hereto is of national importance.

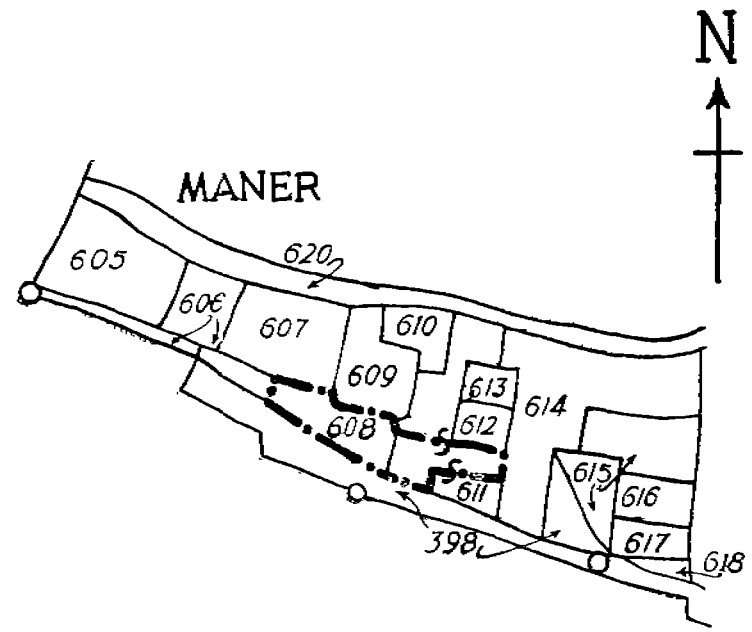
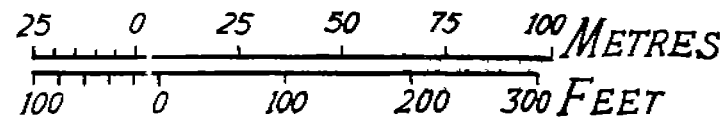
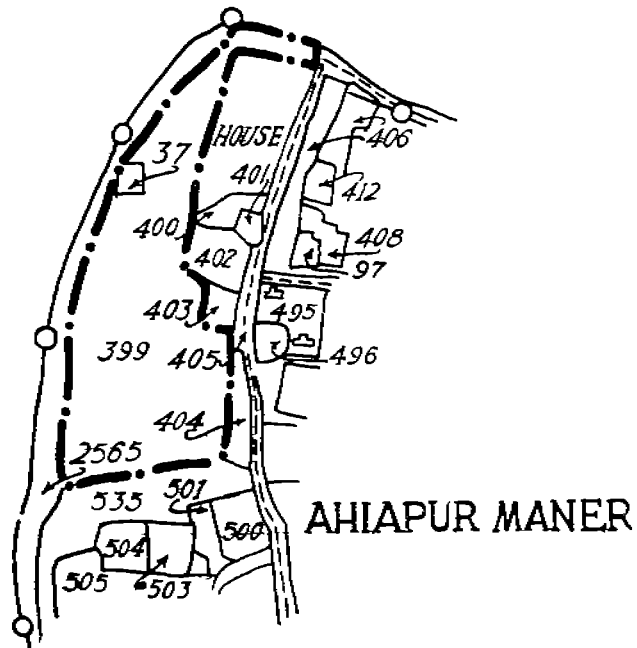
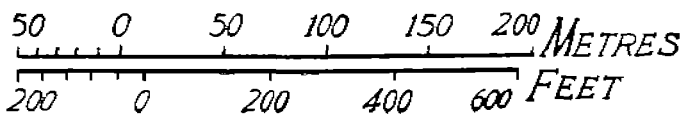
Now, therefore, in exercise of the powers conferred by sub-section (1) of section 4 of the Ancient Monuments and Archaeological Sites and Remains Act, 1958 (24 of 1958), the Central Government hereby gives notice of its intention to declare the said archaeological site and remains to be of national importance.

Any objection made within two months of the issue of this notification by any person interested in the said Archaeological sites and remains will be considered by the Central Government.

# SCHEDULE

I. No.	State	District	Tahsil	Locality	Name of monument/ site	Revenue plot number to be included under protection.	Area	Boundaries	Ownership
1	2	3	4	5	6	7	8	9	10
1	Bihar	Patna	..	Village Ahiapur Maner (Revenue unit No. 34).	Ancient mound and ruined brick walls together with adjacent land comprising part of survey plot No. 399.	Part of survey plot No. 399 as shown in the plan reproduced below.	3.37 acres.	North.—Foot Path East.—Remainder part of survey plot No. 399 and survey plot Nos. 400, 402, 403 and 404. South.—Survey plot No. 535. West.—Survey plot No. 2565.	Private
2	Bihar	Patna	..	Village Maner (Revenue Unit No. 7).	Ancient mound and ruined brick walls together with adjacent land comprising part of Survey plots Nos. 608 and 611.	Part of survey plots Nos. 608 and 611 as shown in the Plan reproduced below.	0.35 acres.	North.—Survey Plots Nos. 607, 609, 612 and remaining part of survey plot No. 611. East.—Survey plot No. 614 and remaining part of survey plot No. 611. South.—Remaining part of survey plot No. 611 and survey plot No. 398. West.—Remaining part of survey plot No. 608.	Private.

# SITE PLAN OF THE ANCIENT SITES & REMAINS IN VILLAGES AHIAPUR MANER & MANER



LIMITS OF PROPOSED PROTECTION — . . . —

MINISTRY OF INFORMATION AND BROADCASTING

New Delhi, the 27th July 1963

**S.O. 2167.**—In exercise of the powers conferred by Section 3(1) of the Cinematograph Act, 1952 read with rule 4 of the Cinematograph (Censorship) Rules, 1958, the Central Government hereby appoints Shri S. Govindarajulu and Shri Apurva Kumar Chanda as members of the Central Board of Film Censors with effect from 27th July, 1963.

2. Shri Apurva Kumar Chanda will cease to be a member of the Advisory Panel of the said Board at Calcutta with effect from the same date.

[No. F. 11/1/63-FC.]

S. PADMANABHAN, Under Secy.

MINISTRY OF LABOUR & EMPLOYMENT

New Delhi, the 23rd July 1963

**S.O. 2168.**—In exercise of the powers conferred by sub-section (1) of Section 3, read with section 4 and sub-section (2) of section 5, of the Minimum Wages Act, 1948 (11 of 1948), the Central Government, after considering the advice of the Committee appointed under sub-section (1) of section 5 of the said Act, hereby fixes the minimum rates of wages payable to the persons employed in the establishments mentioned in the Table below at the sums indicated against each category of persons and directs that this notification shall come into force on and from the 1st August, 1963.

TABLE

*I. Agricultural Research Sub-Station (Indian Agricultural Research Institute), Karnal.*

Categories of employees	All inclusive minimum wages per day
1. <i>Male</i>	
Ploughmen, applying fertilizer, harvesting, sowing and seed crops etc. . . . .	} Rs. 2.00
2. <i>Female</i>	
Every kind of work such as harvesting, transplanting and weeding, etc. . . . .	} Rs. 1.75
3. Miscellaneous Male . . . . .	Rs. 1.75
4. Skilled labour such as carpenter assisting in workshop and mechanic . . . . .	Rs. 4.50
5. Painter . . . . .	Rs. 4.00

*II. Wheat Breeding sub-station (Indian Agricultural Research Institute), Bhowali.*

Casual labour . . . . .	Rs. 2.00 per day
Skilled workers like Carpenter, Blacksmith etc. . . . .	Rs. 3.00 per day
Monthly man, . . . . .	Rs. 75.00 per month (inclusive of the wages for the weekly day of rest).

*III. Wheat Breeding sub-station (Indian Agricultural Research Institute), Indore.*

<i>Categories of employees</i>	<i>All inclusive minimum wage per day</i>
Male—skilled . . . . .	Rs. 3.00 per day
Male—unskilled . . . . .	Rs. 2.00 per day

*IV. Wheat Breeding sub-station (Indian Agricultural Research Institute), Simla.*

<i>Categories of workers</i>	<i>All inclusive minimum wages per day</i>
Daily paid Mazdoors . . . . .	Rs. 2.00

*V. Wheat Breeding sub-station (Indian Agricultural Research Institute), Wellington.*

<i>Categories of workers</i>	<i>All inclusive minimum wages per day</i>
Daily paid casual labourers . . . . .	Rs. 2.00

N.B.—The Daily wage rate is exclusive of the wage due for the weekly day of rest.

[LWI(I)6(2)/62].

**CORRIGENDUM**

*New Delhi, the 27th July 1963*

**S.O. 2169.**—In the Table appended to the notification of the Government of India in the Ministry of Labour and Employment, No. S.O. 1885, dated the 27th June 1963, published on page 2140 of the Gazette of India, Part II, Section 3(ii), dated the 6th July, 1963, under the heading "All inclusive minimum wages per day," against entry "2. Blacksmith, Class II" for "Rs. 4.50", substitute "Rs. 4.00".

[No. LWI(I)6(2)/62.]

K. K. UPPAL, Under Secy.

*New Delhi, the 23rd July 1963*

**S.O. 2170.**—In exercise of the powers conferred by section 73F of the Employees' State Insurance Act, 1948 (34 of 1948), the Central Government hereby makes the following amendment in the notification of the Government of India in the Ministry of Labour and Employment No. S.O. 915, dated the 22nd March, 1963, namely:—

In the Schedule appended to the said notification, serial No. 8 and the entries against the said serial number shall be omitted.

[No. F. 6(83)/63-HI.]

*New Delhi, the 27th July 1963*

**S.O. 2171.**—In exercise of the powers conferred by section 73-F of the Employees' State Insurance Act, 1948 (34 of 1948), the Central Government hereby makes the following amendment in notification of the Government of India in the Ministry of Labour and Employment, No. S.O. 2665, dated the 2nd November, 1961, namely:—

In Schedule IV to the said notification, in the entries against Serial No. 8, the entries "Babupeth

1. Swastik Glass Works,
2. Chanda Ceramics".

"Chanda

1. Shree Paikegi Oil Mills.
2. Shree Ganesh Oil Mills.
3. B. M. Chawan & Sons, Bangalore Potteries Tiles Manufacturers,"

occurring in columns 4 and 5 respectively shall be omitted.

[No. F. HI-6(141)/59.]

**CORRIGENDUM**

*New Delhi, the 27th July 1963*

**S.O. 2172.**—In exercise of the powers conferred by section 73-F of the Employees' State Insurance Act, 1948 (34 of 1948), the Central Government hereby makes the following corrections in the Notification of the Government of India in the Ministry of Labour and Employment No. S.O. 2665, dated 2nd November, 1961, published on pages 2897—2927 in Part II, sub-section (ii) of section 3 of the Gazette of India, dated 11th November, 1961, namely:—

In Schedule IV to the said notification,

in columns 4 and 5, against serial No. 8,

for the entry "Chanda—2 Government Saw Mills" respectively.

read "Allapalli—Government Saw Mills", respectively.

[No. F. HI-6(141)/69.]

O. P. TALWAR, Under Secy.

*New Delhi, the 23rd July 1963*

**S.O. 2173.**—In pursuance of section 17 of the Industrial Disputes Act, 1947, (14 of 1947), the Central Government hereby publishes the following award of the Industrial Tribunal, Dhanbad, in the industrial dispute between the employers in relation to the Dhori Colliery, Post Office Bermo, District Hazaribagh, Bihar and their workmen, which was received by the Central Government on the 17th July, 1963.

**BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL, DHANBAD.**

In the matter of a Reference under Section 10(1)(d) of the Industrial Disputes Act, 1947.

REFERENCE No. 48 OF 1962.

**PARTIES:**

Employers in relation to the Dhori Colliery, P. O. Bermo, District Hazaribagh, Bihar.

AND

Their workmen.

**PRESENT:**

Shri Raj Kishore Prasad, M.A., B.L.,—*Presiding Officer.*

**APPEARANCES:**

*For the Employers.*—Shri D. Narsingh, Advocate.

*For the Workmen.*—Sri B. Dubey, President, Colliery Mazdoor Sangh, Dhori Branch.

STATE: Bihar.

INDUSTRY: Coal.

*Dhanbad, dated the 10th July, 1963.*

**AWARD.**

This reference under Section 10(1)(d) of the Industrial Disputes Act, 1947, was referred by the Government of India, Ministry of Labour and Employment, to this Tribunal, under Order No. 2/103/62-LR.II, dated 27th November, 1962, for adjudication of the industrial dispute existing between the employers in relation to Dhori Colliery and their workmen in respect of the matter specified below:

"Whether the dismissal of Shri Ram Shakal Pandey, Munshi, by the Management of Dhori Colliery is commensurate with the nature and extent of the acts or omissions committed by Shri Pandey in over-reporting tubs on 29th April, 1962? If not, to what relief is the workmen entitled "

2. In this case none of the two parties filed any written statement. When no written statement was received from any side the case was fixed for hearing on 22nd July, 1963, at Tilaiya Dam, and the parties were directed to file their written statements, if any, by this time. Meanwhile, today (10th July, 1963), both the parties filed a joint petition of compromise dated 10th July, 1963, setting out their agreed terms of settlement, signed by the Manager of the Colliery, by the President, Colliery Mazdoor Sangh and also by the workman concerned, Sri R. S. Pandey, and, prayed that an award be made in terms thereof.

3. I have read the terms of the compromise and am satisfied that they are reasonable and fair and in the interest of both the parties, and, therefore, I accept the said compromise.

4. The result, therefore, is that this reference is disposed of in terms of the said petition of compromise and an award is made in terms thereof, as jointly prayed and the compromise is marked Annexure 'A' and made a part of this award.

5. This is my award which I make and submit to the Government of India under Section 15 of the Industrial Disputes Act, 1947.

Sd./- RAJ KISHORE PRASAD,  
Presiding Officer.

DHANBAD,  
The 10th July, 1963.

Central Govt., Industrial Tribunal,  
Dhanbad.

#### ANNEXURE 'A'

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL, DHANBAD.

REFERENCE No. 48 OF 1962

#### PARTIES:

Employers in relation to the Dhori Colliery, P.O. Bermo (Hazaribagh).

AND

Their workmen represented by the Colliery Mazdoor Sangh, P. O. Bermo (Hazaribagh).

The humble petition on behalf of the above named parties beg to submit as follows:

That without prejudice to the contentions of the parties made in their respective written statement the dispute has been settled on the following terms:—

1. That Shri Ram Shakal Pandey, the workman concerned in the present reference, will not press his claim for reinstatement.

2. That the employers will give to Sri Ram Shakal Pandey a lump sum of Rs. 1,100 only (rupees one thousand one hundred only) within seven days from the date of this settlement.

3. That the workman or anybody on his behalf will have no claim against the employers on any other account.

4. That the parties will bear their own respective costs of the present proceedings.

It is, therefore, humbly prayed that the Reference may be disposed off and an Award passed in terms aforesaid.

For employers

Sd./- Illegible.

Manager, Dhori Colliery.

Sd./- Illegible.

President.

Colliery Mazdoor Sangh.

Branch: Dhori Colliery

P. O. Bermo (Hazaribagh).

Filed before me at Dhanbad.

Sd./- RAJ KISHORE PRASAD,  
10-7-63.

Presiding Officer,  
Central Govt., Industrial Tribunal,  
Dhanbad.

Sd./- RAMSAKAL PANDEY, workman.

Witness: Sri B. SINGH,  
10-7-63

[No. F. 2/103/62-LRII.]

*New Delhi, the 26th July 1963*

**S.O. 2174.**—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Industrial Tribunal, Dhanbad, in the matter of an application under Section 33A of the said Act from Shri Kamaluddin, Miner of Md. Safi, Malkera Choitodih Colliery Post Office Malkera, District Dhanbad, which was received by the Central Government on 20th July, 1963.

**BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL, DHANBAD.**

In the matter of a Complaint under Section 33A of the Industrial Disputes Act, 1947 (XIV of 1947).

REF. COMPLAINT No. 13 OF 1961

(Arising out of Reference No. 49 of 1960)

**PARTIES:**

Sri Kamaluddin, Miner of Md. Safi, Malkera-Choitodih Colliery, P.O. Malkera, Dt. Dhanbad.—*Complainant*

*Versus*

The Management of Malkera Choitodih Colliery of Messrs. Tata Iron and Steel Co. Ltd., P.O. Malkera, Dt. Dhanbad:—*Opposite party.*

**PRESENT:**

Shri Raj Kishore Prasad, M.A., B.L., *Presiding Officer:*

**APPEARANCES:**

*For the Complainant:* Shri Sankar Bose, Member, Central Executive Committee, Colliery Mazdoor Sangh, with Sri Kamaluddin.

*For the opposite Party:* Shri G. Prasad, Chief Personnel Officer, Messrs. Tata Iron and Steel Co. Ltd.

STATE: Bihar.

INDUSTRY: Coal.

*Dhanbad, dated the 27th May, 1963*

### AWARD

This complaint was made under Section 33A of the Industrial Disputes Act, 1947, by Sri Kamaluddin, Miner of Mohd. Safi, on 20th September, 1961 in Reference No. 49 of 1960.

2. In response to the notice issued by the Tribunal the management opposite party filed a rejoinder on 18th November 1961.

3. As the case was an old one and it was lying undisposed of, on 13th May 1963, I issued notices to both the parties fixing 27th May 1963 for hearing, and, in response to the said notice Sri G. Prasad, Chief Personnel Officer of the Opposite party, has appeared for the opposite party company and Sri Sankar Bose has appeared for the workman concerned along with the complainant himself, who was present in person.

4. Shri G. Prasad, on behalf of the opposite party, took a preliminary objection to the maintainability of the complaint on the ground that the complainant was not at all concerned in the dispute which was pending in Reference No. 49 of 1960, in which the present complaint has been made, and, therefore, there was no question of any contravention of Section 33 of the Act, and, accordingly, the present complaint was not maintainable.

5. Sri Sankar Bose, on behalf of the complainant, has filed a petition, in these circumstances, for permission to withdraw the complaint.

6. It may be noted that the present complaint, having been filed on 20th September 1961, was pending so long in this Tribunal and it is only after about two years that I took up the matter on 13th May 1963, for which the complainant is not to be blamed.

7. With the above observations, the complainant is permitted to withdraw his complaint, and, accordingly the complaint stands withdrawn. There will be no order for costs.

8. This is the Award which I make and submit to the Central Government under Section 15 of the Act.

DHANBAD,  
The 27th May, 1963.

Sd./- RAJ KISHORE PRASAD,  
Presiding Officer,  
Central Govt. Industrial Tribunal, Dhanbad.  
[No. 1/39/60-LR.II.]

*New Delhi, the 27th July 1963*

**S.O. 2175.**—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Industrial Tribunal, Dhanbad, in the matter of nine applications under Section 33A of the said Act from Shri Ramcharan and others, C/o General Secretary, Azad Koyla Shramik Sabha, Post Office Jhagrakhand Colliery, District Surguja, Madhya Pradesh, which was received by the Central Government on the 20th July, 1963.

#### BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL, DHANBAD

In the matter of Complaints under Section 33A of the Industrial Disputes Act, 1947, (XIV of 47).

Complaints Nos. 39, 41, 42, 43, 44, 45, 46, 47, and 48 of 1962.  
(arising out of Reference No. 73 of 1961)

#### PARTIES:

1. Ramcharan and 103 Miners (Complaint No. 39 of 62)
2. Bhugwat and 103 Miners (Complaint No. 41 of 62)
3. Malikram and 103 Miners (Complaint No. 42 of 62)
4. Katanoo and 103 Miners (Complaint No. 43 of 62)
5. Santram and 103 Miners (Complaint No. 44 of 62)
6. Samaroo and 103 Miners (Complaint No. 45 of 62)
7. Line Das and 103 Miners (Complaint No. 46 of 62)
8. Boharan, and 103 Miners (Complaint No. 47 of 62)
9. Pardeshi and 103 Miners (Complaint No. 48 of 62)

*Complainants.*

C/o General Secretary, Azad Koyla Shramik Sabha, P.O. Jhagrakhand Colliery, Dt. Surguja. M.P.

*Vs.*

Manager, Jhagrakhand Colliery, P.O. Jhagrakhand Colliery, Distt. Surguja, M.P.—*Opposite party.*

#### PRESENT:

Shri Raj Kishore Prasad, M.A., B.L., Presiding Officer.

APPEARANCES:

*For the Complainants.*—Sri Anil Das Chaudhuri, Advocate.

*For the Opposite party.*—Sri G. R. Bhandari, Chief Welfare Officer, Jhagra-khand Collieries.

STATE: Madhya Pradesh

INDUSTRY: Coal.

*Dhanbad, dated the 28th May, 1963*

AWARD

These nine complaints are taken up together at the request of Sri Anil Das Choudhury, Advocate, representing the complainants in each of these nine cases. Sri Choudhury has filed a petition today (28th May 1963) under his signature praying for permission to withdraw these nine complaints on the ground that these nine complaints are already included in Complaints Nos. 40 and 49 of 1962, which are pending.

2. In these circumstances, permission is granted to the complainants to withdraw their aforesaid nine complaints. These nine complaints, accordingly, stand withdrawn in terms of the petition of withdrawal filed for all the nine cases together.

3. This is the award which I make and submit to the Central Government under Section 15 of the Act.

Sd./- RAJ KISHORE PRASAD,

Presiding Officer,  
Central Govt. Industrial Tribunal,  
Dhanbad.

[No. 4/38/61-LR.II.]

*New Delhi, the 29th July 1963*

S.O. 2176.—Whereas, the award of Shri G. Palit, Central Government Industrial Tribunal, Dhanbad, in respect of the industrial dispute referred to him under clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947 (14 of 1947), by the Order of the Government of India in the Ministry of Labour and Employment, No. S.O. 1302, dated the 12th May, 1960, was published in Part II, Section 3, Sub-section (ii) of the Gazette of India, dated the 13th August, 1960, with the notification of the Government of India in the Ministry of Labour and Employment, No. S.O. 2024, dated the 6th August, 1960;

And, whereas, the award made by Shri G. Palit was set aside by the Hon'ble High Court of Judicature at Patna in M.J.C. Appeal No. 725 of 1960 and the said industrial dispute was remanded to the Central Government Industrial Tribunal, Dhanbad, for a fresh award;

And, whereas, the Central Government Industrial Tribunal has made a fresh award in respect of the aforesaid industrial dispute;

Now, therefore, in pursuance of the provisions of section 17 of the Industrial Disputes Act, 1947, the Central Government hereby publishes the award of the Central Government Industrial Tribunal, Dhanbad, in respect of the said industrial dispute, which was received by the Central Government on the 18th July, 1963.

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL,  
DHANBAD.

In the matter of a Reference under Section 10(1) (d) of the Industrial Disputes Act, 1947 (XIV of 1947)

REFERENCE No. 23 of 1960.

PARTIES:

Employers in relation to the Khas Karanpura Colliery

AND

Their workmen.

## PRESENT:

Shri Raj Kishore Prasad, M.A., B.L., Presiding Officer.

## APPEARANCES:

For the Employers: Shri S. S. Mukherjea, Advocate.

For the workmen: Shri S. K. Mukherjee, Advocate, with Shri P. B. D. Choudhury, Honorary Secretary, Colliery Staff Association.

STATE: Bihar.

INDUSTRY: Coal.

Dhanbad, dated the 7th April, 1963.

## AWARD

This reference has been remanded by the Hon'ble High Court at Patna, after setting aside the award dated the 25th July, 1960 of my predecessor in office the late Shri G. Palit with the following direction:—

"We further direct that the case will now go back to the Central Government Industrial Tribunal, Dhanbad, for hearing Reference No. 23 of 1960 afresh and for giving fresh award in accordance with law. We should like to make it clear that it will be open to the parties to adduce further evidence, if they so choose, before the Central Government Industrial Tribunal."

2. On behalf of the management, Sri S. S. Mukherjea, Advocate, and, on behalf of the workmen, Sri S. K. Mukherjee, Advocate, appeared. On 7th February 1963, when the case was taken up for hearing, on behalf of the workmen, Sri S. K. Mukherjee filed some more documents, which, by mutual consent, were marked Exhibits 5 to 8(a). Sri S. K. Mukherjee, however, did not want to examine any fresh witness besides those who had already been examined on behalf of the workmen before remand. Sri S. S. Mukherjea, on behalf of the management, wanted to examine one witness with regard to Exhibit 5, filed on behalf of the workmen, and, therefore, the case was adjourned to 26th March 1963, on which date Sri S. S. Mukherjea stated that he did not want to examine any witness or to file any fresh document. The result, therefore, was that neither parties adduced any oral evidence after remand, although they were given an opportunity to do so, as directed by the High Court. The parties, accordingly, on the oral evidence of witnesses examined on behalf of both sides before remand and on documents filed by the management before remand and on documents filed by the workmen before and after remand, were heard at length on 6th April 1963, on which date, after hearing the parties, the award was reserved.

3. The Ministry of Labour & Employment, Government of India, by its Order No. 2/81/60-LRII, dated the 12th May, 1960, referred, under Section 10(1)(d) of the Industrial Disputes Act, 1947 (hereinafter referred to as the Act), the following industrial dispute to this Tribunal for adjudication:—

"Whether the retrenchment of Sarvashri D. K. Sen Gupta, Prabhu Dayal and P. R. Sarkar with effect from 16th November, 1959 was justified. If not, to what relief are they entitled?"

4. On behalf of the concerned workmen their Union, Colliery Staff Association, on 6th January 1960 submitted statement of demands before the Conciliation Officer (Central), Hazaribagh, which was treated as their written statement in the reference on behalf of the workmen. In the said written statement, the main case of the Union was that the notice of retrenchment, dated 15th October 1959 served upon these three concerned workmen was *malafide*, unjustified and illegal, and was by way of victimisation, because on 5th October 1959 a Labour Union, with Prabhu Dayal as Joint Secretary, D. K. Sen Gupta as Organising Secretary and P. K. Sarkar as Office Secretary, was formed of the workmen of this Colliery; that the principle of 'last come, first go' has not been followed, inasmuch as, there were many junior staff to these concerned workmen in this Colliery, but they had not been retrenched; that there had been no decrease of Coal Mining Operation in this Colliery as alleged by the management in its notice of retrenchment, dated 15th October 1959, and, therefore, there was no justification whatsoever for retrenching these workmen. On these grounds these concerned workmen prayed for their reinstatement with all privileges and benefits.

5. In its rejoinder, filed by the management on 3rd June 1960, it was stated that the retrenchment of these concerned workmen was *bonafide* and that the junior most in the category were selected for retrenchment; that the concerned workmen were surplus to requirements and no new workmen have been appointed in their places; that since August 1959 there was a downward trend in the output on account of the mining difficulties and as there was/is no immediate prospect in the increase of raising, and, therefore, the retrenchment of these workmen, who were surplus to requirements, was *bonafide* and justified. On these grounds the management alleged that these concerned workmen were not entitled to any relief.

6. The workmen, in support of their case, examined before remand P.W. 1, D. K. Sen Gupta and P.W. 2 P. R. Sarkar, two of the concerned workmen, and, filed documents before remand, which were marked Exhibits 1 to 4, and, after the remand, which were marked Exhibits 5 to 8(a)

7. The management also examined before remand, in support of its case, O.P.W.1, D. K. Sinha, Labour Welfare Officer, and, also filed documents before remand which were marked Exhibits A to G(1).

8. My learned predecessor in office, the late Sri G. Palit, on consideration of the evidence, oral and documentary, before him gave his award on 25th July 1960, in favour of the concerned workmen holding that their retrenchment was not justified and that they had been victimised by the management for their activities in forming a Union, and, therefore, directed their reinstatement and also allowed compensation for the period of forced idleness from 16th November 1959 upto the date of reinstatement at the rate of half their usual wages payable in two consecutive equal monthly instalments immediately after his award became operative.

9. Against the said award, M. L. Sharma & Company, the Employers of the Colliery, filed an application under Articles 226 and 227 of the Constitution before the Patna High Court, which was numbered as M.J.C. 725 of 1960, and subsequently, it was heard and decided by Their Lordships, Ramaswami C. J. and Untwalia, J, who by a joint judgment dated 3rd November 1962 set aside the award on the ground that "the finding of the Tribunal are coloured and vitiated" by a vital error of record, mentioned in the judgment, and, accordingly, remanded the reference for re-hearing and to dispose of it afresh in accordance with law, with the direction set out before.

10. The facts are these:

(a) On 15th October 1959, the Manager of the Colliery issued a notice Exhibit F to eight workers, including the three concerned workmen, with whom we are concerned, informing them that "due to the decrease in the Coal Mining Operation and consequent reduction in the volume of work, your services will no longer be required with effect from 16th November 1959. Please note that you are junior-most in your category". It was further stated in the said notice, Exhibit F, that "if you have any objection as to your categorisation/designation or in the order in which your name appears in the seniority list posted on the Notice Board, you will please inform the undersigned (i.e. the Manager) in writing within seven days, stating the reason for your objection along with the copies of any documents in support of your contention."

(b) The seniority list, referred to in this notice of retrenchment, Exhibit F, which was hung up on the notice board, is Exhibit G, and, as it is very important I reproduce it below *in extenso*. The eight retrenched workers have been underlined by me, the three concerned workmen being underlined throughout:

"Seniority list.

	Clerk Gr. III	Name	Date of appointment
1.	.	Shri M. Tonpe	1-1-55
2.	.	„ P R Sarkar	24-2-1956
3.	.	„ R. C. Mukherjee	17-4-57

Clerk Gr. III	Name	Date of appointment
<i>Register Keepers</i>		
1.	Sri Mundrika Singh	1-5-1953
2.	" S. C. Nayak	1-8-1954
3.	" D. P. Ambasta	8-5-1955
4.	" D. K. Sen Gupta	15-5-1955
5.	" Prabhu Dayal	21-7-1956
6.	" S. S. Patra	24-5-1958
7.	" <u>Rames. Misra</u>	
<i>Chaprashis :</i>		
1.	" Sanu Manghee	1-10-1949
2.	" Devnath Singh	26-4-1952
3.	" Janki Singh	16-10-1953
4.	" Kanu Gope	4-1-1953
5.	" Sitaram Yadav	19-1-1953
6.	" Kamala Singh	1-1-1958
7.	" Raghbir Singh	24-11-1955
8.	" Sukhdev Singh	10-1-1956
9.	" Salbahadur	24-5-1956
10.	" Sitaram Sao	12-9-1956

*N.B.*—Persons having objection to their date of appointment or Categorisation/Designation will inform the undersigned (i.e. the Manager) with the documentary proof in support of his contention."

(c) On 16th October 1959, a notice of retrenchment, as required by Section 25F(c) of the Act read with Rule 76 of the Industrial Disputes (Central) Rules, 1957, in Form P was sent by the management to the Secretary to the Government of India, Ministry of Labour and Employment, by the Manager of the Colliery, which is Exhibit G(1), and, the statement of reasons for retrenchment, mentioned therein, as required by Form P, which is referred to in Rule 76, was given as "Decrease in the Coal Mining Operation and consequent reduction in the volume of work."

(d) The matter, thereafter, was taken to the Conciliation Officer (Central), Hazaribagh, by the Union, Colliery Staff Association, and, the Conciliation Officer submitted on 21st March 1960 his failure report and then the present reference was made on 12th May 1960, as stated earlier.

11. The first question for determination, therefore, is, whether the reasons given by the management for issuing retrenchment notice Exhibits F and G(1) were correct and *bonafide*. On this question, both the parties placed reliance on the extract of total raisings of coal prepared from monthly returns, Exhibit 'A', which was accepted to be correct on behalf of the workmen also. In view of the fact that the retrenchment notice was given on 15th October 1959 and these concerned workmen, along with the five others, with whom we are not concerned in this reference as their cases have not been referred to this Tribunal for adjudication, were retrenched with effect from 16th November 1959, the material months, for deciding the question, whether reasons given for retrenchment by the management in Exhibit F and Exhibit G(1) are correct and *bonafide*, which have been relied upon by both the parties, are January, 1959 to November 1959 as given in Exhibit 'A'. Exhibit 'A' contains the total raisings of coal from January 1959 to May 1960, and, in my opinion, the total raisings of coal from December 1959 to May 1960, which are also mentioned in Exhibit 'A', are not very material. The crucial dates for deciding the question under consideration are October 1959, when on 15th October 1959 the notices of retrenchment Exhibit F was given to eight persons, including these three workmen and November 1959, in which month, with effect from 16th November 1959, these eight workmen, including the three concerned workmen, were retrenched.

12. As Exhibit A has been relied upon by both the parties and it has been admitted on behalf of the workmen to be correct and the decision of the question posed by me in Paragraph 11 above depends on it, it would be useful to reproduce it in *extenso* here. It is as below:

"Extract from Monthly returns (which are 34 sheets) and are all marked Exhibit 'A'.

Months	Total Raising
Jan. '59 . . . . .	7308
Feb. '59 . . . . .	6784
March '59 . . . . .	6220
April '59 . . . . .	6929
May '59 . . . . .	4904
June '59 . . . . .	5867
July, '59 . . . . .	7347
Aug. '59 . . . . .	6492
Sept. '59 . . . . .	5324
Oct. '59 . . . . .	4174
Nov. '59 . . . . .	5151
Dec. '59 . . . . .	4899
Jan. '60 . . . . .	4943
Feb. '60 . . . . .	4925
March '60 . . . . .	4783
April '60 . . . . .	5277
May '60 . . . . .	4791

Sd./- D. K. SINHA,

L/O

Correctly complied."

13. Sri S. S. Mukherjee, relying on Exhibit 'A', submitted that the raising position of coal was everyday going down, and, therefore, the management had to retrench eight workmen, including these three workmen and to give them notices of retrenchment on 15th October 1959. Sri S. K. Mukherjee, on behalf of the workmen, however, contended that if there was decrease in the raising position of coal it was temporary, as will appear from Exhibit 'A' itself, as it shows rise in one month and fall in another and *vice versa*, and, therefore, on the figures mentioned in Exhibit 'A', there was no justification whatsoever for the management to retrench these three concerned workmen as also the other five workmen along with these workmen. It was further contended, on behalf of the workmen, that on the evidence of O.P.W.I., Labour Welfare Officer, the Colliery was having development work which was going on; the Colliery had also started second outlet of the old incline which was already there, and, overburden work was also still going on, and, therefore it cannot be said that these eight retrenched workmen had become surplus, and, as such, their services were no longer required by the management.

14. After considering the arguments, presented on behalf of both the parties, on the question whether retrenchment was justified and *bona fide*, I find that the argument on behalf of the workmen is more convincing as it is fully supported by Exhibit 'A' and the evidence of O.P.W.I.

15. From Exhibit A, it will appear that the highest total raising between January to October 1959 was in January 1959 when it was 7,308 and the lowest was in October 1959 when it was 4,174. It further appears that the total raising was fluctuating and it was not constant, in as much as, although in March 1959 the total raising came down to 6,220, next month in April 1959 it rose to 6,929, then in May 1959 it came down to 4,904, and in June 1959 it rose to 5,867 and in July 1959 it still rose higher to 7,347. There was then a fall in August 1959 when it was 6,492, which decreased further in September 1959 to 5,324 and in October 1959 to 4,174 but in November 1959 it again went up to 5,151. From the total raising given in Exhibit 'A' from January 1959 to May 1960, it cannot be said that there was a definite decrease every month in the Coal Mining Operation between January 1959 to October 1959, and, therefore, there was consequent

reduction of volume of work. It is true that in October 1959 the total raising of 4,174 was the lowest, as compared with the previous months from January 1959 to September 1959. But the retrenchment notice Exhibit 'F' was served on 15th October 1959, and therefore, on that date the total raising for September 1959 had to be taken into consideration. In September 1959, the total raising was 5,324 which was no doubt lower than the total raising in June, 1959, or July, 1959 or August, 1959 but it was higher than what it was in May, 1959. If the total raising of October 1959 was 4,174 it cannot be said to be any ground for issuing retrenchment notice when the decrease was not steady and constant but fluctuating. From Exhibit 'A' it appears that there was only a temporary decrease in October 1959, but it went on increasing in the months previous to October 1959 and also in the months after October 1959.

Even if it be assumed that because the total raising in October 1959 came to 4,174, as against 5,324 in September 1959; 6,492 in August 1959 and 7,374 in July 1959, the management had reasonable apprehension that there was a steady decrease in the total raising, and, therefore, it was justified in issuing retrenchment notice on 15th October 1959 (Exhibit 'F'), but, according to the retrenchment notice Exhibit F, these eight workmen, including these three workmen, were not required in service with effect from 16th November 1959, and when in November 1959, the total raising increased to 5,151 by 977, if the retrenchment notice was *bonafide*, the management would have easily re-considered the retrenchment notice and cancelled it in view of the increase in the output next month.

On the basis of Exhibit 'A', therefore, I am satisfied that the reason given for the retrenchment, namely, decrease in the coal mining operation and consequent reduction in volume of work was not justified.

16. There is another circumstance to support my above conclusion. If due to decrease in the coal mining operation, it became imperative on the part of the management to retrench these eight workmen, including these three concerned workmen, then the miners, trammers, etc., working in the mine should also have been retrenched. But surprisingly enough only the clerical staff is retrenched including the two chaprasis, and not a single miner or trammer and the like, is retrenched. Why so? There is no explanation whatsoever on behalf of the management. If the other workers of the Colliery, such as trammers, miners, etc., are retained in service, then as rightly pointed out on behalf of the workmen, the volume of work of the clerical staff remains the same, and there could be no decrease at all in the volume of work of clerical staff. I also cannot understand if really there was decrease in the coal raising why the miners and trammers who were working underground and also those workers who were working on the surface and were connected with the coal mining operation were not retrenched at all. This circumstance, in my opinion, support very strongly the contention of the workmen that the retrenchment of these workmen concerned was *malafide* and not at all *bonafide* and justified.

17. Another fact has also to be taken into consideration in deciding the question of *bonafide* of retrenchment. We cannot ignore the evidence of O.P.W.1, Labour Welfare Officer, examined on behalf of the management. O.P.W.1 towards the end of his cross-examination has admitted that:

"Khas Karanpura Colliery is having development work. We have started second outlet of the old incline that is already there. In this colliery we are still going on with the over-burden work. The employer contemplates appointing some contractors for the said purpose."

Two of the three workmen concerned examined themselves as P.W.1 and P.W.2. P.W.1 D. Sen Gupta stated that the reason given in the retrenchment notice is not correct and that there has been an increase in the volume of work in this colliery during the time of their retrenchment, in as much as, two new quarries have recently been opened 4 or 5 months back; electricity has been installed in February last; and, the number of staff has also been increased.

18. The fact that a new appointment has been made in the clerical staff as deposed to by P.W.1 is supported by Exhibit 5. Exhibit 5 shows that one Joseph Minz was appointed as Attendance Clerk on 20th September 1960, that is, after the retrenchment of the workmen concerned. It may be mentioned that Sri S. S. Mukherjee, on behalf of the management, admitted that these three concerned workmen were doing the same job and were in the same category in which Joseph Minz was appointed. Admittedly, when this fresh appointment was made as

appears from Exhibit 5, these three workmen concerned, who had been retrenched, and who were also attendance clerks, as admitted by Sri S. S. Mukherjee, on behalf of the management, were not given any opportunity at all to appear and to get themselves considered for this fresh appointment.

It may further be mentioned that according to both parties an attendance clerk is in Grade II, whereas, a Register Keeper is in Grade III, but both do the same job and are in the same category of clerks to which the six clerks including the three workmen, were retrenched. The three concerned workmen and the three others, namely, R. C. Mukherjee, S. S. Patra and Ramesh Misra mentioned in Exhibit G were all Attendance Clerks. When appointing Joseph Minz on 20th September, 1960 (Exhibit 5) even the other three workers, just named, were not given any opportunity to appear before the management. The management did not consider their cases also while making this fresh appointment. If such a fresh appointment is made and the retrenched workmen were not given any opportunity and were not absorbed, it clearly shows that the retrenchment made earlier by the management was mala fide. It may be mentioned that in the notice Exhibit G(1), which was given in Form P as required by Rule 76 of the Rules, the Register Keepers, such as, D. K. Sen Gupta, and, Prabhu Dayal, with whom we are concerned and the clerks, such as, P. R. Sirkar, with whom also we are concerned, have all been put in Grade III. According to Exhibit G(1), therefore, all the six workers, who were clerks or register keepers, and, all doing the work of an Attendance Clerk, were put in one category, i.e., Category III.

19. For the reasons given above, I held that the retrenchment of these three workmen, with whom alone we are concerned, was not *bonafide* and justified, and, that the reasons given for their retrenchment, as mentioned in the retrenchment notice Exhibit F and also in Exhibit G(1), are not correct and *bonafide*.

20. The next question for consideration is when there was no justification on the part of the management to retrench these three workmen concerned, with whom alone we are concerned in the present case, and, when there was no decrease in the output and when there was no decrease in the coal raising or in the volume of work in the clerical staff, as held above by me, why did the management issue this retrenchment notice Exhibit F and Exhibit G(1) and why did it retrench them with effect from 16th November 1959?

The reason given by the workmen is that due to their union activities they have been victimised. In support of their case they have relied on certain documents as also on oral evidence. I shall first deal with the documentary evidence. Exhibit 4 shows that a general meeting of the workers of this Khas Karanpura Colliery was held on 5th October 1959 at which a Union of the workmen of this Colliery was formed and its office bearers were elected under the Congress banner. From Exhibit 4 it further appears that Prabhu Dayal was elected the Joint Secretary, D. K. Sen Gupta was elected as Organising Secretary and P. R. Sarkar was elected as Office Secretary of this new Union, which was named as Khas Karanpura Colliery Workers' Union. Exhibit 4 provided that this Union should be registered under the Trade Union Act, 1926. This new union formed on 5th October, 1959, as admitted by P.W. 1, was registered in March 1960.

It is immediately after the formation of the new Union on 5th October 1959 in this Colliery for the first time, that 10 days later the retrenchment notice was issued to eight workers, including these three workmen concerned, on 15th October 1961, Exhibit F. On Exhibit 4, therefore, which is not denied by the management, there is no doubt that these three workmen concerned were retrenched due to their being office bearers and active members of this Union.

It was contended, in this connection, by Sri S. S. Mukherjee that if that was so, then why the other five workmen, whose names did not appear as office-bearers or members of this new Union in Exhibit 4, were at all retrenched. I am not called upon to express any opinion on the retrenchment of the other five retrenched workmen, when their cases have not been referred to this Tribunal for adjudication by the Central Government. But as far as these three workmen are concerned their grievance that their services have been terminated by retrenching them and that they were not considered for a fresh appointment, when fresh appointment was made on 20th September 1959, as appears from Exhibit 5, due to their Union activities and due to their being office bearers of this new Union seems to be correct.

21. In the written statement filed by the workmen the specific defence of P. R. Sarkar and D. K. Sen Gupta, the two of the three workmen is mentioned in paras 8 and 10.

*D. K. Sen Gupta:*

(a) The case of *D. K. Sen Gupta* P.W. 1 is dealt with in para 8 of the workmen's written statement, in which it is said that he was appointed on 1st May, 1955, as Attendance Clerk, but was wrongly placed in Grade III, for which there was an industrial dispute in Reference No. 44 of 1959, which was decided in his favour and by which he was placed in Grade II with retrospective effect and this retrenchment notice was served during the pendency of the said reference. On looking into the records of Reference No. 14 of 1959, it appears that it was referred to this Tribunal on 30th June 1959, and, the industrial dispute which was referred under the said reference and which existed between the employers in relation to Khas Karanpura Colliery and their workmen was, "whether the management of the Khas Karanpura Colliery was justified in designating Sarva Shri Mundrika Singh, D. P. Ambasta and *D. K. Sen Gupta* as Register Keepers while implementing the award of the All India Industrial Tribunal (Colliery Disputes) as modified by the Labour Appellate Tribunal. If not, to what relief they are entitled?" My predecessor-in-office, Shri Salim M. Merchant, on 6th October 1959 gave his award, by which he held that the management of Khas Karanpura Colliery was not justified in designating the workmen concerned as Register Keepers while implementing the Coal Award, and, that they were entitled to be designated as Attendance Clerks and as such entitled to Grade II Clerks' wages. It is, therefore, manifest that the said Reference No. 44 of 1959, was received on 4th July, 1959, and disposed of on 6th October 1959, and, immediately, thereafter, the retrenchment notice was given on 15th October 1959, although the award till then was not known to the parties concerned as it had not been published in the official Gazette. But the fact remains that the case of *D. K. Sen Gupta* raised an industrial dispute, which was pending at the time of his retrenchment in Reference No. 44 of 1959, in as much as the award made on 6th October 1959 was published on 24th October 1959 in the Gazette of India during the pendency of that dispute, and, therefore, the proceeding in the said Reference under section 20(3) of the Act, must be deemed to be pending, and, the present retrenchment order was issued against him on 15th October, 1959. The allegation of *D. K. Sen Gupta* that he was victimised for his Union activities and for raising an industrial dispute is correct.

*P. R. Sarkar*

(b) The case of *P. R. Sarkar* is dealt with in para 10 of the workmen's written statement. He is P.W. 2 and his case is that he was the only typist of the Colliery, and, therefore, there being no other typist, there can be no justification for his retrenchment, but he was retrenched because his case of gradation and designation was pending before the appropriate Government. This dispute ultimately resulted in Reference No. 61 of 1960. From the records of Reference No. 61 of 1960 it appears that the Union submitted its statement of demands on behalf of *P. R. Sarkar*, Typist on 28th May, 1959, and, thereafter, the matter was taken up by the Conciliation Officer, who, however, submitted his Failure Report on 21st September, 1959, and thereafter Reference No. 61 of 1960 was made on 27th February 1960.

Exhibit 8(a) is the award, made in Reference No. 61 of 1960 in incorporating the agreement Annexure 'A' arrived at between the parties on 21st May 1962. Exhibit 8(a) shows that a reference was made under Section 10(1) (d) of the Act on 27th December, 1960 for adjudication of the following dispute:

"Having regard to the nature of the duties carried out by Shri *P. R. Sarkar*, clerk of the Khas Karanpura Colliery, whether the action of the management in placing him in Grade III as per Award of the All India Industrial Tribunal (Colliery Disputes), as modified by the Labour Appellate Tribunal, can be justified? If not, to what relief is he entitled, and with effect from which date after the 28th May 1959."

This reference was compromised between the parties on 21st May, 1962, and, on the basis of the said agreement Annexure 'A' to Exhibit 8(a) the award was given on 23rd May, 1962. In the said agreement, which is a part of Exhibit 8(a), *P. R. Sarkar* is described as "Typist" of the Colliery, and was placed in Grade II of the Clerical Grade with effect from 28th May, 1959.

It was argued, on behalf of the workmen, that P. R. Sirkar was the only typist in the Colliery and therefore there was no justification to retrench him. In this connection, reliance was placed on Exhibit 2 and the agreement just referred to, which is a part of the award Exhibit 8(a). The agreement Annexure 'A' to Exhibit 8(a), dated 21st May, 1962 does show that P. R. Sirkar has been described as "Typist of Khas Karanpura Colliery". Exhibit 2 further shows that the Manager issued a letter to P. R. Sirkar, describing him as Clerk, on 10th May, 1959 in which it was mentioned that the typing machine was under his charge, and, therefore, no unauthorised person should be allowed to handle the typewriter. The Manager further gave directions that besides him and Administrative Officer, three other persons mentioned by him therein may use the typewriter. Exhibit 2 thus does give the impression that P. R. Sirkar was the only typist of the Colliery, and, therefore, the typewriter was under his charge. Reading, therefore, Exhibit 2 along with the agreement dated 21st May, 1962, Annexure 'A' to Exhibit 8(a), which is part of the award Exhibit 8(a) it is clear that the contention, on behalf of the workmen, that P. R. Sirkar was the only typist of the Colliery is correct.

In reply, to this, however, it was contended by Sri S. S. Mukherjee, on behalf of the management, that when volume of work had decreased and on the evidence of O.P.W. 1, the average volume of typing work was four letters a day, it cannot be said that the services of P. R. Sirkar, in such a situation, should not have been retrenched. On the evidence of O.P.W. 1, P. R. Sirkar was not the only typist in this Colliery, and, the typing work was mainly done by C. C. Chatterjee and also by T. P. Banerjee, and, though T. P. Banerjee had left service, C. C. Chatterjee was still in the Colliery. The name of C. C. Chatterjee, is mentioned in Exhibit 2, but he has not been mentioned as the typist in charge of the typewriter, but only as one of the three persons, named in Exhibit 2, who had been permitted to use the typewriter.

For these reasons, in my opinion, the contention, on behalf of the workmen that P. R. Sirkar was the only typist of the Colliery, and, therefore, his retrenchment was unjustified, appears correct.

#### *Prabhu Dayal:*

The third workman concerned is *Prabhu Dayal*, whose case has not been dealt with specifically in the written statement but a reference to him has been made in Para 9 of the written statement in which it was said that he was appointed on 21st August, 1956. There was no previous case between him and the management, and that seems to be the reason why no specific defence was taken in the written statement. It is true that Prabhu Dayal was not examined in this case on behalf of the workmen, but, in my opinion, that is not very material, as it is established by Exhibit 4, that he was elected Joint Secretary of the Union, which was organised for the first time by the workmen on 5th October, 1959 in this Colliery. For that reason, it appears he was retrenched only ten days later on 15th October, 1959.

P.W. 1, however, stated that Prabhu Dayal and Bharati and others were prosecuted in a case for alleged assault on the Manager and in that case two men were convicted but Prabhu Dayal was acquitted. There is no evidence as to when the alleged assault on the Manager took place and when this prosecution was started and as to whether before or after the retrenchment, and, therefore, this evidence of P.W. 1 is not very material.

22. Sri S. K. Mukherjee on behalf of the workmen contended that the principle of "last come, first go" was not observed as far as D. K. Sen Gupta was concerned, and, therefore, on that ground also his retrenchment was not justified. On behalf of the management, however, it was contended by Sri S. S. Mukherjee that as will appear from the Seniority List, Exhibit G, the persons retrenched, namely, the three concerned workmen and the other five workmen, whose cases have not been referred for adjudication to this Tribunal, were junior most in their category, and, therefore, the principle of 'last come, first go' was observed.

As the objection regarding non-application of the said principle has been urged only in respect of D. K. Sen Gupta, P.W. 1, I would confine myself only to his case. From the Seniority List, Exhibit G, it does appear that P. R. Sirkar, and R. C. Chatterjee who were retrenched under Category I, were junior most amongst the three persons named therein. From the Second Category also, in which seven persons are mentioned, as register keepers, the four persons retrenched,

namely, Serial Nos. 4 to 7 were the junior most persons, and, amongst chaprasis, in the third category also, the persons retrenched i.e. Serial Nos. 9 and 10 were junior most. *Prima facie*, therefore, the contention of Sri S. S. Mukherjee that the junior most persons were retrenched appears to be correct. From the Seniority List, Exhibit G, it appears that D. K. Sen Gupta (Serial No. 4) was appointed on 15th May, 1955 whereas, D. P. Ambastha (Serial No. 3) was appointed on 8th May, 1955. If these dates are correct, then obviously D. K. Sen Gupta was junior to Ambastha. The workman, however, submitted that D. K. Sen Gupta was appointed on 1st May, 1955 as will appear from the Form of Appointment of Competent Persons, under the Coal Mines Regulations, Exhibit 3, O.P.W. 1 admitted that he could not deny the correctness of Exhibit 3. Exhibit 3 has not also been repudiated by Sri S. S. Mukherjee on behalf of the management. Exhibit 3 may be taken to be correct. Exhibit 3 shows that this certificate was issued on 21st September, 1955 to D. K. Sen Gupta, in which it is mentioned that he was appointed as Attendance Clerk at Khas Karanpura Colliery as from 1st May, 1955. Exhibit 3 further shows that D. K. Sen Gupta accepted his appointment as such on 21st September 1955. Replying on this, Sri S. S. Mukherjee contended that the date of appointment of D. K. Sen Gupta would be 21st September, 1955, on which date he accepted his appointment, and, not 1st May, 1955 as mentioned in Exhibit 3. I feel difficulty in accepting his contention, as in the Seniority List Exhibit G the date of appointment of D. K. Sen Gupta is 15th May, 1955. If that is correct, then the contention of Sri Mukherjee that D. K. Sen Gupta was appointed on 21st September, 1955, as shown in Exhibit 3, cannot be accepted as correct. The two dates 15th May, 1955 in Exhibit G and 21st September 1955 in Exhibit 3, cannot be reconciled. In this State of evidence, it appears to me, as mentioned in Exhibit 3, that his appointment should be on and from 1st May, 1955 and not 15th May, 1955 as mentioned in Exhibit G nor 21st September, 1955, on which date he accepted the appointment letter. It appears to me that D. K. Sen Gupta was appointed as from 1st May 1955, but the formal acceptance of his appointment, which has to be done by him, was actually done on 21st September, 1955 but this does not mean that he started working from 21st September 1955 or 15th May, 1955 and not from 1st May, 1955. For these reasons, I accept the contention of the workmen that the date of appointment of Sri Sen Gupta was 1st May, 1955, as mentioned in Exhibit 3, and not 15th May, 1955 as mentioned in Exhibit G. If that be so, then it is manifest that D. K. Sen Gupta was senior to D. P. Ambastha, who was appointed on 8th May, 1955, and, therefore, D. K. Sen Gupta not being junior to D. P. Ambastha, could not be retrenched. The principle of 'last come, first go', therefore, was not followed in the case of D. K. Sen Gupta. I may, however, observe that even if this finding be not correct, it does not in the least affect my earlier finding that retrenchment of these three workmen concerned by the management was mala fide by way of victimisation and not at all justified and, therefore, cannot stand.

23. For the reasons given above, I hold that these three workmen were retrenched because of their trade Union activities, and, the management retrenched them by way of victimisation, although their retrenchment was not justified and bona fide and accordingly their retrenchment is mala fide and unjustified.

24. I would, therefore, answer the reference in favour of the workmen concerned by holding that retrenchment of (i) Shri D. K. Sen Gupta (P.W. 1), (ii) Shri Prabhu Dayal, and (iii) Sri P. R. Sirkar (P.W. 2), with effect from 16th November, 1959 was not justified, and, therefore, the retrenchment notices Exhibits F and G (1) were mala fide and invalid and have no legal effect, and, accordingly their retrenchment orders are set aside and declared null and void.

25. The next question is, to what relief, if any, are they entitled. It is obvious that in view of the answer to the first part of the question under the reference that the retrenchment of these three workmen concerned was mala fide and unjustified and not proper, it follows that they are entitled to be reinstated with effect from 16th November, 1959 and for the period of their forced idleness from 16th November, 1959 upto the date of their reinstatement, they are entitled to get full back wages and other emoluments to which they would have been entitled in the ordinary course, if they had not been retrenched and they would be deemed to be in continuous service of the company from 16th November, 1959. I find from the award of my predecessor Shri G. Palit that these three workmen were awarded compensation at the rate of half of their usual wages. But I personally do not feel any justification for allowing these workmen only half their usual wages, instead of their full back wages from 16th November, 1959 upto the date of their reinstatement, and, accordingly, I direct.

26. This award must be implemented within one month from the date this award becomes operative after its publication under Section 17A of the Act.

27. This is my award which I make and submit to the Central Government under Section 15 of the Act.

DHANBAD,  
The 7th April, 1963.

(Sd.) RAJ KISHORE PRASAD,  
Presiding Officer,  
Central Govt. Industrial Tribunal,  
Dhanbad.  
[No. 8/115/63-LRII.]

#### ORDER

*New Delhi, the 26th July 1963*

**S.O. 2177.**—Whereas the Central Government is of opinion that an industrial dispute exists between the employers in relation to the Chaldean Syrian Bank Limited and their workmen in respect of the matter specified in the Schedule hereto annexed;

And whereas the Central Government considers it desirable to refer the said dispute for adjudication;

Now, therefore, in exercise of the powers conferred by section 7A of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby constitutes an Industrial Tribunal consisting of Shri P. N. Ramaswami with headquarters at First Line Beach, Madras, and in exercise of the powers conferred by clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947 (14 of 1947) refers the said dispute for adjudication to the said Industrial Tribunal.

#### SCHEDULE

Whether the management of Chaldean Syrian Bank Limited was justified in deducting the wages due to Shri Inasu for the 3rd February, 1962 and, if not, to what relief is he entitled?

[No. 51(15)/63-LRIV.]

P. R. NAYAR, Under Secy.

*New Delhi, the 24th July 1963*

**S.O. 2178.**—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Industrial Tribunal, Dhanbad, in the matter of an application under Section 33A of the said Act from Shri Manbodh son of Bhuneswar, Line Mistry and 6 others, Post Office Jhagrakhand Colliery, District Surguja, Madhya Pradesh, which was received by the Central Government on the 19th July, 1963.

#### BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL, DHANBAD

In the matter of a complaint under Section 33A of Industrial Disputes Act, 1947.

#### COMPLAINT NO. 5 OF 1962

(Arising out of Reference No. 73 of 1961)

#### PARTIES :

1. Manbodh, s/o Bhuneswar, Line Mistry,
2. Motilall, s/o Gayadin, Ginee Mistry,
3. Dhaneswar, s/o Dewan, Tub-Rep. Mistry,
4. Joyram Singh, s/o Chotani Singh, C. Mistry,
5. Abhiman Singh, s/o Sarju Singh, Chap.
6. Alabakas, s/o Abdul Rezak, Haulage Kha.
7. And others.

P.O. Jhagrakhand Colliery  
Dist. Surguja, M.P.

*Applicants—Complainants.*

*Vs.*

Manager, Jhagrakhand Colliery, P.O. Jhagrakhand Colliery, Dist. Surguja,  
M.P.—*Opposite party.*

**PRESENT:**

Shri Raj Kishore Prasad, M.A., B.L., Presiding Officer.

**APPEARANCES:**

*For the complainants:*—Sri Anil Das Choudhury, Advocate, with Sri B. Boral, Gen. Secretary, Azad Koyla Shramik Sabha.

*For the Opposite party:*—Shri G. R. Bhandari, Chief Welfare Officer.

**STATE:**

Madhya Pradesh.

INDUSTRY: Coal.

*Dhanbad, dated the 30th May, 1963*

**AWARD**

This complaint was made in reference 73 of 1961 by Manbodh and others on 5th February 1962 under Section 33A of the Industrial Disputes Act, 1947, complaining of contravention of the provisions of Section 33 of the Act by the management opposite party because the complainants were alleged to have been deprived of their scales of pay, Categorization, Change of Service, Facilities etc. from the date of the Coal Award came into force.

2. On the case being taken up today (30th May 1963), Sri G. R. Bhandari, on behalf of the management and Sri Anil Das Choudhury, Advocate, appeared on behalf of the workmen who were represented also by Sri B. Boral, General Secretary, Azad Koyla Shramik Sabha. Subsequently Sri Choudhury filed a petition praying for permission to withdraw the complaint on the ground that these complainants did not want to press their complaint and to prosecute it.

3. In the circumstances, the complainants are permitted to withdraw their complaint and accordingly the complaint stands withdrawn in terms of the petition of withdrawal.

4. This is the award which I make and submit to the Central Government by Section 15 of the Act.

DHANBAD,

*The 30th May, 1963.*

(Sd.) RAJ KISHORE PRASAD,

Presiding Officer,

Central Government Industrial Tribunal, Dhanbad.

[No. 4/38/61-LRIL.]

**S.O. 2179.**—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Industrial Tribunal, Dhanbad, in the matter of an application under Section 33A of the said Act from Shri Bojranghee son of Pachoula Baiga, Post Office Jhagrakhand Colliery, District Surguja, Madhya Pradesh, which was received by the Central Government on the 19th July, 1963.

**BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL, DHANBAD**

In the matter of a Complaint under Section 33A of the Industrial Disputes Act, 1947, (XIV of 1947).

COMPLAINT No. 9 OF 1962

(Arising out of Reference No. 73 of 1961)

**PARTIES:**

Bojranghee, s/o Pachoula Baiga, P.O. Jhagrakhand Colliery, Dt. Surguja, Madhya Pradesh—*Applicant/Complainant.*

*Vs.*

Manager, West Jhagrakhand Colliery, P.O. Jhagrakhand Colliery, Dt. Surguja, M.P.—*Opposite party.*

## PRESENT:

Shri Raj Kishore Prasad, M.A., B.L., Presiding Officer.

## APPEARANCES:

*For the Complainant:*—Sri Anil Das Choudhury, Advocate, with Sri Biseswar Boral, Secretary, Azad Koyla Shramik Sabha.

*For the opposite party:*—Sri G. R. Bhandari, Chief Welfare Officer.

STATE: Madhya Pradesh.

INDUSTRY: Coal

Dhanbad, dated the 30th May, 1963

## AWARD

This complaint was made by Sri Bojranghec a workman of the West Jhagrakhand Colliery opposite party, on 20th March 1962 under Section 33A of the Industrial Disputes Act, 1947 against his stoppage of work from the middle of March 1962 in reference 73 of 1961.

2. On behalf of the workman, Sri Anil Das Choudhury, Advocate, representing the Azad Koyla Shramik Sabha, appears. Shri G. R. Bhandari, Chief Welfare Officer, of the opposite party, appears for the company opposite party. It is admitted on behalf of both parties that the complainant is now dead and naturally, therefore, the complaint has become infructuous, and, accordingly, it is dismissed as infructuous.

3. This is the award which I make and submit to the Government of India, under Section 15 of the Act.

(Sd.) RAJ KISHORE PRASAD,

Presiding Officer,

Central Government Industrial Tribunal, Dhanbad.

[No. 4/38/61-LRII.]

**S.O. 2180.**—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Industrial Tribunal, Dhanbad, in the matter of an application under Section 33A of the said Act from the General Secretary, Azad Koyla Shramik Sabha, Post Office Jhagrakhand Colliery, District Surguja, which was received by the Central Government on the 19th July, 1963.

## BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL, DHANBAD

In the matter of a complaint under Section 33A of the Industrial Disputes Act, 1947.

COMPLAINT No. 40 OF 1962

(Arising out of Reference No. 73 of 1961)

## PARTIES:

General Secretary, Azad Koyla Shramik Sabha, P.O. Jhagrakhand Colliery, Dt. Surguja—Applicant/Complainant.

Vs.

Manager, South Jhagrakhand Colliery, P.O. Jhagrakhand Colliery, Dt. Surguja—Opposite Party.

## PRESENT:

Shri Raj Kishore Prasad, M.A., B.L., Presiding Officer.

## APPEARANCES:

*For the complainant:* Shri B. Boral, General Secretary, Azad Koyla Shramik Sabha.

*For the Opposite party:* Shri G. R. Bhandari, Chief Welfare Officer.

STATE: Madhya Pradesh.

INDUSTRY: Coal.

Dhanbad, dated the 30th May, 1963

## AWARD

This complaint was made under Section 33A of the Industrial Disputes Act, 1947, by the General Secretary of the Azad Koyla Shramik Sabha on behalf of 100 workmen miners who had been thrown out of employment by the opposite party management of South Jhagrakhand Colliery.

2. In this complaint, the names of 100 miners, on whose behalf, the General Secretary of the Union made the complaint, have not been mentioned. The complaint is also not accompanied by the authority of the 100 workmen, on whose behalf the General Secretary of the Union filed the present complaint. I find, however, that another complaint No. 49 of 1962 was subsequently filed, on behalf of Bandhuran and 103 miners, which is pending before this Tribunal. As Complaint No. 40 and 49 of 1962 are both on behalf of the same set of persons, a petition was filed by Sri B. Boral, General Secretary of the Azad Koyla Shramik Sabha, representing the workmen concerned, for permission to withdraw the complaint No. 40 of 1962 in the circumstances mentioned above.

3. The complaint No. 40 of 1962 is, therefore, permitted to be withdrawn in terms of the petition of withdrawal filed today—(30th May, 1963).

4. This is the award which I make and submit to the Government of India under Section 15 of the Act.

DHANBAD,

The 30th May, 1963.

(Sd.) RAJ KISHORE PRASAD,

Presiding Officer,  
Central Government Industrial Tribunal, Dhanbad.

[No. 4/38/61-LR.II.]

New Delhi, the 26th July 1963

**S.O. 2181.**—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Labour Court, Bangalore, in the matter of a complaint under Section 33A of the said Act from Shri S. V. Srinivasan of the Indian Bank Limited, which was received by the Central Government on the 19th July, 1963.

BEFORE THE PRESIDING OFFICER, CENTRAL GOVERNMENT LABOUR  
COURT, BANGALORE.

Dated this 17th day of July, 1963

PRESENT:

Sri R. Krishna Setty, B.A., LL.B.,  
Presiding Officer.

COMPLAINT NO. 1 OF 1963

**Complainant:**—Sri S. V. Srinivasan, Indian Bank Ltd., Davanagere Branch, represented by Sri K. K. Mundal, Vice President, All India Bank Employees Union, Bombay.

**Vs.**

**Respondent:**—The Indian Bank Ltd., Davanagere Branch, Mysore State, Registered Officer, Madras, represented by Sri H. Ramanathan, Law Officer.

## AWARD.

1. This is a complaint under section 33A of the Industrial Disputes Act 1947 (Central Act XIV of 47) for the alleged contravention of the provisions of Section 33 by an employer during the course of the proceedings before the National Industrial Tribunal (Bank Disputes) Bombay. It arises in this way:—The Central Government being of opinion that an Industrial Dispute existed or was apprehended between 67 Banking Companies and Corporations and their workmen in respect of 22 matters and the dispute involved questions of national importance and also was of such a nature that industrial establishments situated in more than one State were likely to be interested in or affected by such dispute and being further of the

opinion that the dispute should be adjudicated by a National Tribunal, referred the said dispute to the National Industrial Tribunal (Bank Disputes) at Bombay and appointed Hon'ble Justice Sri Kantilal T. Desai as the Presiding Officer of the Tribunal. The said dispute had been registered as Reference No. 1/60 on the file of that Tribunal. During the pendency of that dispute the complainant Sri S. V. Srinivasan made the present complaint under section 33A of the Industrial Disputes Act 1947 against his employer namely the Indian Bank Ltd., Davanagere, Mysore State having its Registered Office at Madras where it was registered as Complaint No. 33/62. The National Industrial Tribunal by their Order dated 28th August 1962 transferred the complaint to the Labour Court at Delhi for disposal according to law under intimation to the complainant where it had been registered as Complaint No. 304/62. But the Central Government in exercise of the powers conferred upon them under section 33B(1) of the Industrial Disputes Act, 1947 withdrew the said complaint from the Labour Court, Delhi and transferred the same to this Labour Court at Bangalore constituted by the Government of India in the Ministry of Labour & Employment Notification No. 459 dated 5th February 1963 with me as the Presiding Officer for the disposal of the said complaint with a direction that this court should proceed with it from the stage at which it was transferred and dispose of the same according to law.

2. The case for the complainant is that he was a premanent employee in the respondent Bank in the category of a Bill Collector, that he was fitted into the appropriate wage scale in terms of Industrial Disputes Banking Decisions Act 1955, commonly called the Sastry Award as modified, that the Deputy Secretary brought to the notice of the complainant that though he was asked by the Damanagere Agent to write the letters in the local delivery book, he had refused to do so and that though the Agent had asked him (complainant) to submit his explanation for his refusal, he had not submitted his explanation and that he should therefore show cause to the Deputy Secretary why he should not take disciplinary action against him. It is said that this charge was baseless and yet the management of the Bank had wrongfully and improperly stopped one increment and in that way altered his service conditions to his prejudice by way of punishment. The complainant therefore prays for setting aside the order relating to the stoppage of increment and for a direction to the Bank to pay back his full salary during the period he was kept under suspension.

3. The respondent bank resisted the complaint on the following grounds. (1) that there has been no contravention of the provisions of Section 33 and as such this court has no jurisdiction to proceed with the matter, (2) that a proper enquiry was conducted on the charge of disobedience of lawful orders against the complainant wherein he was found guilty and so his increment was stopped for the offence that had been proved after affording a reasonable opportunity for showing cause why the proposed action should not be taken, (3) that there has been no violation of the principles of natural justice, that all rules of procedure as laid down by Sastry Award have been followed in the matter and the interference of this court is not called for, (4) that the stoppage of increment is not an alteration of service conditions and (5) that the suspension of the complainant was perfectly proper and that the claim for full salary during that period was not maintainable.

4. When the matter was still pending before the Labour Court, Delhi, the Presiding Officer of that court had framed the following two issues:—

"1. Whether there has been a contravention of the provisions of Section 33 of the Industrial Disputes Act by the action taken against the complainant by the management of India Bank Ltd.?"

2. If the answer to issue No. 1 be in the affirmative whether the action taken against the complainant was wrongful. If so to what relief he is entitled?"

5. After the receipt of the complaint it was numbered as Complaint No. 1/63 by this court and a notice was issued to both parties to adduce evidence, if any, before this court at Bangalore on 7th May 1963. But at the request of the Secretary, Mysore State Bank Employees' Federation, Bangalore who was representing the complainant, the case was adjourned to 27th May 1963 for trial. On the adjourned day the complainant filed 5 documents and the respondent management had no objection for admitting them in evidence. Accordingly they were marked as Exts. W. 1, 2, 3, 4 and 5. The Respondent Bank filed 13 documents in evidence and the complainant had no objection for admitting them except the portion from page 17 and 18 in the proceedings book. Accordingly they were marked as Ex. R. 1 to R. 13. Then both parties requested that further evidence may be recorded at Bombay and so the case was posted to 9th July 1963 at Bombay for

that purpose. When the case was called on for hearing at 12 noon in the court hall of Central Government Industrial Tribunal, 4th floor, City Ice Buildings, 298, Bazargate Street, Fort, Bombay on 9th July 1963, the complainant was represented by Sri K. K. Mundal, Vice President of All India Bank Employees Union and the Mysore State Bank Employees Federation, Bangalore and the Respondent Bank was represented by Sri H. Ramanathan, Law Officer. Instead of adducing further evidence in support of the complaint for which purpose the case had been posted as desired by both parties, Sri K. K. Mundal represented that the complainant had squared up the matter with the respondent bank and therefore he would not press the matter. Accordingly he filed a memo signed not only by himself, but also by the complainant. It is specifically stated therein that the matter has been settled out of court and the application would not be pressed. In the circumstances I have no other alternative than to reject the application.

6. For the foregoing reasons I make an award rejecting the complaint. No costs.

Dictated to the stenographer, transcribed and then corrected by me.

(Sd.) R. KRISHNA SETTY,  
Presiding Officer,  
Central Government Labour Court,  
Bangalore.

#### APPENDIX

List of witnesses examined in this case on behalf of Applicant: Nil.  
Respondent: Nil.

List of documents admitted in this case are behalf of Applicant:

- Ex. W. 1 Bank's letter of 27th November 1961.
- Ex. W. 2 Bank's letter of 11th December 1961.
- Ex. W. 3 Bank's letter of 7th February 1962.
- Ex. W. 4 Bank's letter of 14th February 1962.
- Ex. W. 5 Bank's Order Dated 24th April 1962.

Respondent:

- Ex. R. 1 Reply by Srinivasan D. 2nd December 1961.
- Ex. R. 2 Proceedings Book.
- Ex. R. 3 (series) Slips.
- Ex. R. 4 Enquiry Proceedings.
- Ex. R. 5 Bank's letter dated 15th December 1961 (Copy).
- Ex. R. 6 Bank's notice dated 15th December 1961 (Copy).
- Ex. R. 7 Bank's letter dated 18th December 1961 (Copy).
- Ex. R. 8 Letter of Srinivasan to Bank.
- Ex. R. 9 Bank's letter dated 14th February 1962 (Copy).
- Ex. R. 10 Srinivasan's Appeal Memo.
- Ex. R. 11 Letter Delivery Book.
- Ex. R. 12 Letter Delivery Book.
- Ex. R. 13 Office Order Book.

(Sd.) R. KRISHNA SETTY,  
Presiding Officer,  
Central Government Labour Court,  
Bangalore.

[No. 55(28)/63-LRIV.]

G JAGANNATHAN, Under Secy.

*New Delhi, the 26th July 1963*

**S.O. 2182.**—In exercise of the powers conferred by sub-section (1) of section 13 of the Employees' Provident Funds Act, 1952 (19 of 1952), the Central Government hereby appoints Kumari Premila Benjamin to be an Inspector for the whole of the State of Andhra Pradesh for the purposes of the said Act or of any scheme framed thereunder, in relation to any establishment belonging to, or under the control of the Central Government, or in relation to any establishment connected with a railway company, a major port, a mine or an oil-field or a controlled industry.

[No. 20(46)63-PF. I.]

SHAH AZIZ AHMAD, Dy. Secy.

## ORDER

*New Delhi, the 25th July 1963*

**S.O. 2183.**—Whereas the Central Government is of opinion that an industrial dispute exists between the employers in relation to the Lakurka Colliery and their workmen in respect of the matters specified in the Schedule hereto annexed;

And whereas the Central Government considers it desirable to refer the said dispute for adjudication;

Now, therefore, in exercise of the powers conferred by clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby refers the said dispute for adjudication to the Industrial Tribunal, Dhanbad, constituted under section 7A of the said Act.

## SCHEDULE

(1)(a). Whether the retrenchment of the following workmen by the management of the Lakurka Colliery was legal and justified:—

S. No.	Name of the workman	Designation
(1)	Shri Raja Ram B. Pasi . . . . .	Shot firer.
(2)	Shri Sant Ram B. Pasi . . . . .	Shot firer.
(3)	Shri Mahadeo Pashi . . . . .	Shot firer.
(4)	Shri Suku Kumhar . . . . .	Explosive carrier.
(5)	Shri Imamdi Mian . . . . .	Explosive carrier.
(6)	Shri Gaur Kumhar . . . . .	Explosive carrier.
(7)	Shri Kedar Rajwar . . . . .	Explosive carrier.
(8)	Shri Juman Mian II . . . . .	Explosive carrier.

(b) If not, to what relief are they entitled?

(2)(a) Whether the offer of alternative work as miners to the following workmen of Lakurka Colliery was legal and proper:—

S. No.	Name of the workman	Designation
(1)	Shri Munwa D. Pasi . . . . .	Drill mazdoor.
(2)	Shri Pati Ram B. Pasi . . . . .	Drill mazdoor.
(3)	Shri Ful Singh B. Pasi . . . . .	Drill mazdoor.
(4)	Shri Bhagat B. Pasi . . . . .	Drillman.
(5)	Shri Buthalu B. Pasi . . . . .	Drillman.
(6)	Shri Tehari B. Pasi . . . . .	Dresser.
(7)	Shri Pakla B. Pasi . . . . .	Dresser.

(b) If not, to what relief are they entitled?

[2/29/63-LRII]

B. R. SETH, Dy. Secy.

**MINISTRY OF FOOD AND AGRICULTURE****(Department of Agriculture)***New Delhi, the 23rd July 1963*

**S.O. 2184.**—In exercise of the powers conferred by section 3 of the Agricultural Produce (Grading and Marking) Act, 1937 (1 of 1937), the Central Government hereby makes the following rules further to amend the Rice Grading and Marking Rules, 1939, the same having been previously published as required by the said section, namely:—

1. These rules may be called the Rice Grading and Marking (Amendment) Rules, 1963.

2. In Schedule I of the Rice Grading and Marking Rules, 1939, in the design under grade designation mark for packages of Rice for the words “भारत की उत्पत्ति” the words “भारतीय उत्पाद” shall be substituted.

[No. F. 17-8/63-AM.]

**S.O. 2185.**—In exercise of the powers conferred by section 6 of the Agricultural Produce (Grading and Marking) Act, 1937, the Central Government hereby declares that the provisions of the said Act shall apply to the following articles, namely:—

Water Chest-nut.

[No. F. 17-15/63-AM.]

**S.O. 2186.**—In exercise of the powers conferred by section 3 of the Agricultural Produce (Grading and Marking) Act, 1937 (1 of 1937), the Central Government hereby makes the following rules to amend the Bura Grading and Marking Rules, 1943, the same having been previously published as required by the said section, namely:—

1. These rules may be called the Bura Grading and Marking (Amendment) Rules, 1963.

2. In Schedule II of the Bura Grading and Marking Rules, 1943, in the design under grade designation mark for packages of Bura for the words “भारत की उत्पत्ति” the words “भारतीय उत्पाद” shall be substituted.

[No. F. 17-8/63-AM.]

**S.O. 2187.**—In exercise of the powers conferred by section 3 of the Agricultural Produce (Grading and Marking) Act, 1937 (1 of 1937), the Central Government hereby makes the following rules to amend the Lac Grading and Marking Rules, 1950, the same having been previously published as required by the said section, namely:—

1. These rules may be called the Lac Grading and Marking (Amendment) Rules, 1963.

2. In Schedule IV of the Lac Grading and Marking Rules, 1950, in the design under grade designation mark for packages of Lac for the words “भारत की उत्पत्ति” the words “भारतीय उत्पाद” shall be substituted.

[No. F. 17-8/63-AM.]

*New Delhi, the 27th July 1963*

**S.O. 2188.**—The following draft of certain rules to amend the Cardamom Grading and Marking Rules, 1962, which the Central Government proposes to make in exercise of the powers conferred by section 3 of the Agricultural Produce (Grading and Marking) Act, 1937 (1 of 1937), is published as required by the said section, for the information of all persons likely to be affected thereby and notice is hereby given that the draft will be taken into consideration on or after 31st August 1963.

Any objection or suggestion which may be received from any person with respect to the said draft before the date so specified will be considered by the Central Government.

#### DRAFT RULES

1. These rules may be called Cardamon Grading and Marking (Amendment) Rules, 1963.

2. In the Cardamon Grading and Marking Rules, 1962,

(i) for Schedules I, II and III the following Schedules shall be substituted, namely:—

“SCHEDULE I.  
(See rules 3 and 4)  
Grade designations and definition of quality of Alleppey Green Cardamoms  
Special Characteristics

Grade designation	Trade Name	Colour @	Empty and malformed capsules, per cent by count, maximum	Immature & Shrivelled capsules, per cent by weight max.	Blacks & Splits, % by count maximum	Size (Dia. of hole in m.m.) of the sieve on which retained (A)	Weight in G/L minimum	General Characteristics
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)
AGEB	Cardamom Extra Bold.	Deep Green Green or Light Green.	2.0	2.0	0.0	7.0	435	1. The cardamoms shall be the dried capsules of <i>Elettaria cardamomum</i> grown in South India ; capsules being three cornered and having a ribbed appearance.
AGB	Cardamom Bold.	Do.	2.0	2.0	0.0	6.0	415	2. The capsules shall be free from insect infestation and visible mould.
AGS	Cardamom Superior.	Do.	3.0	5.0	0.0	5.0	385	3. Thrip marks alone on the capsules shall not lead to the conclusion that the capsules have been infested by insects.
AGS 1	Shipment Green 1.	Do.	5.0	7.0	10.0	4.0	350	
AGS 2	Shipment Green 2.	Do.	7.0	9.0	12.0	4.0	320	
AGL	Light	..	..	..	15.0	3.5	260	
AGN (a)	..	..	..	..	..	..	..	

*Definition of terms*

1. Empty and malformed capsules—Capsules which have no seeds or are scantily filled with seeds. For this purpose 100 capsules selected at random from the sample shall be opened out and the number of empty and malformed capsules counted.
2. Immature & shrivelled capsules—Capsules which are not fully developed.
3. Blacks & Splits—The former will include capsules having visibly blackish to black colour and the latter will include those which are open at corner for more than half the length.
- @ Colour—Cardamoms shall be packed separately according to the colour as (a) Deep Green (b) Green, (c) Light Green and also Pale Brownish. The relevant colour of the cardamoms shall be indicated on the Agmark labels provided atleast 95% of the capsules correspond to any of the colour groups. Where the cardamoms are not of any one uniform colour mentioned above, there will be no indication of the colour on the labels.
- (a) AGN—The cardamom which does not conform to any of the grades AGEB to AGL shall be packed under the grade AGN against a “Firm Order”. “Firm Order” means that the entire value of the goods contracted for, should have been obtained in advance by opening a cent per cent irrevocable letter of credit in India which is encashable on the production of shipping bill supported by receipt of shipment or guaranteed in any other way.
- (A) Tolerance—A tolerance of 5% of the next lower size is permissible.

SCHEDULE II.

(See rules 3 and 4).

Grade designations and definition of quality of COORG GREEN Cardamoms

Grade designation—		Special Characteristics						General Characteristics	
	Trade Name	Empty and malformed capsules per cent by count maximum	Unclipped capsules & shrivelled capsules, cent by count maximum	Immature capsules, cent by count maximum	Blacks & splits per cent by count maximum	Size (Dia. of holes in m.m. of the sieve on which retained (A)	Weight G/L Minimum		
1	2	3	4	5	6	7	8	9	
C.B.E.B.	Extra Bold	0.0	0.0	0.0	0.0	7.5	450	<p>1. The cardamoms shall be the dried capsules of <i>Elettaria cardamomum</i> grown in South India; colour ranging from Greenish to Brown* global shape, skin ribbed or smooth; the pedicels separated.</p> <p>2. The capsules shall be free from insect infestation and visible mould.</p> <p>3. Thrip marks alone on the capsule shall not lead to the conclusion that the capsules have been infested by insects.</p>	
C.G. 1	Bold	3.0	0.0	5.0	0.0	6.5	435		
C.G. 2	Coorg Green or Motta Green.	5.0	3.0	10.0	0.0	6.0	385		
C.G. 3	Shipment	10.0	5.0	15.0	10.0	5.0	350		
C.G. 4	Light	..	..	..	15.0	3.5	280		
C.G.N. @	..	..	..	..	..	..	..		

Definition of terms:

1. Empty and malformed capsules—Capsules which have no seeds or are scantily filled with seeds. For this purpose 100 capsules selected at random from the sample shall be opened out and the number of empty and malformed capsules counted.
2. Immature and shrivelled capsules—Capsules which are not fully developed.
3. Blacks and Splits : The former will include capsules having visibly blackish to black colour and the latter will include those which are open at corners for more than half the length.
4. Unclipped Capsules—Capsules in which the tips have not been trimmed.

@CGN—The cardamom which does not conform to any of the grades CGEB to CG4 shall be packed under the grade CGN against a "Firm Order". "Firm Order" means that entire value of the goods contracted for, should have been obtained in advance by opening a cent percent irrevocable letter of credit in India which is encashable on the production of shipping bill supported by receipt of shipment or guaranteed in any other way.

\*Coorg cardamoms shall be packed separately according to colour e.g. (1) Golden to light creamy, (2) Creamy, (3) Light Greenish to Greenish and (4) Brownish to Brown in respect of grade designations CGEB to CG3 provided atleast 95 % of the capsules correspond to any of the colour groups. Where the cardamoms are not of any uniform colour there will be no indication of colour on the Agmark label.

(A) A tolerance up to 5% of the next lower size is permissible.

## SCHEDULE III

(See rules 3 and 4).

*Grade designations and definition of quality of Bleached or Half-Bleached Cardamom*

Grade designation	Special Characteristics				General Characteristics
	Empty and malformed capsules, per cent by count, maximum	Immature & shrivelled capsules per cent by wt. maximum	Size (Diameter of holes in m.m.) of the sieve on which retained (A)	Weight in G/L maximum	
1	2	3	4	5	6
BL 1*	0.0	0.0	8.50	340	The cardamom shall be the fully developed dried capsules of <i>Eleuaria cardamomum</i> bleached and/or half-bleached by sulphurizing colour ranging from pale cream to white @, global or three cornered with skin ribbed or smooth.
BL 2*	Do.	Do.	7.00	340	
BL 3	Do.	Do.	5.00	300	The capsules shall be free from visible mould and insect infestation. Thrip marks alone on the capsules shall not lead to the conclusion that the capsules have been infested by insects.
BLN	..	..	..	..	

*Definition of the terms :*

1. Empty and malformed capsules : Capsules which have no seeds or are scantily filled with seeds. For this purpose 100 capsules selected at random from the sample shall be opened out and the number of empty and malformed capsules counted.
2. Immature and shrivelled capsules—Capsules which are not fully developed.
3. BLN : The cardamom which does not conform to any of the grades BL1 to BL3 should be packed under the grade BLN against a "Firm Order". "Firm Order" means that the entire value of the goods contracted for, should have been obtained in advance by opening a cent per cent irrevocable letter of credit in India which is encashable on the production of shipping bill supported by receipt of shipment or guaranteed in any other way.
4. @ Cardamoms shall be packed separately according to whether they are fully bleached or half-bleached. In the latter case the colour of the capsules may be indicated at the request of the packer on the Agmark labels as (1) Pale creamy or (2) Dull White.
5. \*The word "Special" would be affixed to grades BL1 and BL2, if at least 95% of the capsules do not have thrip marks over 50% of their body surface.
6. (A) A tolerance of 5% of the next lower size is permissible.

(ii) for Schedules V and VI the following Schedules shall be substituted, namely:—

“SCHEDULE V

Grade designations and definition of “Mixed” Cardamoms.

Grade designation	Trade name	Special Characteristics			Size* (Dia. of hole in m.m. of the sieve on which retained) minimum	Weight in Gms/Litre Minimum	General Characteristics
		Empty & malformed capsules per cent by count maximum	Immature & shrivelled capsules per cent by weight maximum	Blacks & splits per cent by count maximum			
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)
MEB	Mixed Extra Bold.	2 0	2 0	0 0	7 0	435	1. The cardamoms shall be dried and mixed capsules of different varieties of <i>Elettaria cardamomum</i> . 2. The capsules shall be free from insect infestation and visible mould. 3. Thrip marks alone on the capsules shall not lead to the conclusion that the capsules have been infested with insects.
MB	Mixed Bold	2 0	2 0	0 0	6 0	418	
MS	Mixed Superior	3 0	5 0	0 0	5 0	385	
MS 1.	Mixed Shipment I.	5 0	7 0	10 0	4 0	350	
MS 2.	Mixed Shipment II.	7 0	9 0	12 0	4 0	320	
ML	Mixed Light.	..	..	15 0	3 5	260	
MN(a)	..	..	..	..	..	..	

Definitions :

1. Empty and malformed capsules : Capsules which have no seeds or are scantily filled with seeds. For this purpose 100 capsules selected at random from the samples shall be opened out and the number of empty and malformed capsules counted.
2. Immature and shrivelled capsules : Capsules which are not fully developed.
3. Blacks and Splits : The former will include capsules having visibly blackish to black colour and the later will include those which are opened at corners for more than half the length.
- 4.\* Tolerance : A tolerance of 5% of the next lower size is permissible.
5. MN(a)—The cardamom which does not conform to any of the grades from MEB to ML shall be packed under this grade against a “Firm Order”.  
“Firm Order” means that the entire value of the goods contracted for, should have been obtained in advance by opening a cent per cent irrevocable letter of credit in India which is encashable on the production of shipping bill supported by a receipt of shipment or guaranteed in any other way.

## SCHEDULE VI

## Grade designations and definition of quality of CARDAMOM SEEDS.

Grade designation	Trade name	Special Characteristics			General Characteristics.
		Extraneous matter, per cent by weight max.	**Light seeds per cent by weight, Max.	Weight in G/L minimum	
1	2	3	4	5	6
CS 1.	Prime . .	1 0	3 0	675	1. Shall be decorticated and dry seeds of any variety of <i>Elettaria cardamomum</i> .
CS 2.	Shipment . .	2 0	5 0	660	2. The seeds shall be free from visible moulds and insect infestation.
CS 3.	*Broken. . .	10 0	..	..	

## Definition of terms :

\*Broken : Include also light seeds.

Extraneous matter : Includes Calyx pieces, stalk bits and other foreign matter.

\*\*Light seeds—Include seeds brown or red in colour, immature and shrivelled seeds."

[No. F. 17-3/63-AM (Pt).]

**S.O. 2189.**—The following draft of certain rules to amend the Chillies Grading and Marking Rules, 1962, which the Central Government proposes to make in exercise of the powers conferred by section 3 of the Agricultural Produce (Grading and Marking) Act, 1937 (1 of 1937), is published as required by the said Section, for the information of all persons likely to be affected thereby and notice is hereby given that the draft will be taken into consideration on or after 31st August, 1963.

Any objection or suggestion which may be received from any person with respect to the said draft before the date so specified will be considered by the Central Government.

#### DRAFT RULES

1. These rules may be called **Chillies Grading and Marking (Amendment) Rules, 1963.**

2. In the Chillies Grading and Marking Rules, 1962 for Schedules I to V the following Schedules shall be substituted, namely:—

SCHEDULE I

(See rules 3 and 4).

*Grade designations and definitions of quality of chillies commercially known as SANNAM, produced in the State of Madras and harvested in January—August*

Special characteristics

Grade designation	Trade Name	Length in C.M.	Colour	Maximum limit of tolerance						General Characteristics
				Damaged and discoloured pods	Pods without stalk	Moisture	Loose seed	Foreign matter	Broken chillies	
1	2	3	4	5	6	7	8	9	10	11
M.S.S.	Madras Sannam Special.	5 and above	Light red shining.	2.00	2.00	11.50	1.00	1.00	5.00	Chillies shall— (a) be the dried ripe fruits belonging to the species <i>Capsicum annum</i> L;
M.S.G.	Madras Sannam General.	Below 5 and above 3	Light red shining.	4.00	3.00	11.50	2.00	2.00	7.00	(b) have shape, pungency and seed contents normal to the variety;
M.S.F.	Madras Sannam Fair.	Do.	Dull red.	6.00	4.00	11.50	2.00	2.00	7.00	(c) be free from mould or insect damage and be in sound condition, and fit for human consumption.
MSNS	Non-specified	..	..	..	..	15.00	..	5.00	..	(d) be current year's crop and shall be free from extraneous colouring oil and matter, other harmful substances.

Basis of quantitative determination : All determinations and percentages shall be reckoned on the basis of the total weight of representative samples.

Length : The tolerance specified in column 3 shall be based upon the average length of 20 fruits selected at random. The measurement will be taken from the tip of the fruit to the pedicel point (where the stalk is attached).

Discoloured Pods : Pods having brown, black, white and other coloured patches will be considered as discoloured pods.

Foreign matter : All extraneous matter including calyx pieces and loose stalks will be treated as foreign matter. For accidental error a tolerance is permissible upto 5.0 per cent in excess of the tolerance specified under column 3 in respect of M.S.S. and M.S.G. Grade. For accidental errors, a tolerance of 0.5 per cent under column 5 and 1.0 per cent under column 6 is permissible for both the grades.

Moisture : For accidental error a tolerance of 0.5 per cent for moisture content will be allowed over and above 11.5 per cent only. No tolerance will be allowed for Grade MSNS.

'MSNS : The chillies which do not conform to any of the Higher grades, shall be packed under GRADE MSNS against a 'Firm Order' only'.

'Firm Order' means that the entire value of the goods contracted for, should have been obtained in advance by opening a cent per cent irrevocable letter of credit in India, which is encashable on the production of shipping bill supported by receipt of shipment or is guaranteed in any other way.

SCHEDULE II

(See rules 3 and 4)

Grade designations and definitions of quality of chillies commercially known as SANNAM, produced in the State of Madras and harvested in September—December

Grade designation	Trade Name	Length in C. M.	Special Characteristics							General Characteristics
			Maximum limit of tolerance							
			Damaged and dis-coloured pods	Pods without stalk	Moisture	Loose seed	Foreign matter	Broken chillies		
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)	(11)
M.S.S.	Madras Sannam Special	5 and above.	Light red shining to Light red dull.	% 5	% 10.00	% 11.50	% 3.0	% 1.0	% 0.50	Chillies shall— (a) be the dried ripe fruits belonging to the species <i>Capsicum annum</i> L; (b) have shape, pungency and seed contents normal to the variety;
M.S.G.	Madras Sannam General	Below 5 and above 3.	Do.	5	20.00	11.50	3.0	1.0	2.00	(c) be free from mould or insect damage and be in sound condition and fit for human consumption;
M.S.N.S.	Non-specified	..	..	..	..	15.00	..	5.0	..	(d) be current year's crop and should be free from extraneous colouring matter, oil and other harmful substances.

Basis of quantitative determinations : All determinations and percentages shall be reckoned on the basis of the total weight of representative samples.  
 Length : The tolerance specified in col. 3 shall be based upon the average length of 20 fruits selected at random. The measurement will be taken from the tip of the fruit to the pedicel point (where the stalk is attached).  
 Discoloured pods : Pods having brown, black, white and other coloured patches will be considered as discoloured pods.  
 Foreign matter : All extraneous matter including calyx pieces and loose stalks will be treated as foreign matter. For accidental errors, a tolerance is permissible upto 5.0% in excess of the tolerance specified under col. 3 in respect of M.S.S. Grade and M.S.G. Grade. For accidental errors, a tolerance of 0.5% under col. 5 and 1% under col. 6 is permissible for both grades.  
 Moisture : For accidental errors a tolerance of 0.5% for moisture content will be allowed over and above 11.5% only. No tolerance will be admissible for Grade MSNS.  
 M.S.N.S.—The chillies which do not conform to any of the higher grades, shall be packed under Grade M.S.N.S. against "Firm Order" only.  
 "Firm Order" means that the entire value of goods contracted for, should have been obtained in advance by opening a cent per cent irrevocable letter of credit in India which is encashable on the production of shipping bill supported by receipt of shipment or is guaranteed in any other way.

**SCHEDULE III**  
(See rules 3 and 4)

*Grade designations and definitions of quality of chillies commercially known as MUNDU produced in RAMANATHPURAM District of Madras State.*

Grade designation.	Trade Name.	Length in cm.	Colour.	Special Characteristics						General characteristics.
				Maximum limits of tolerance						
				Damaged & discoloured pods.	Pods without stalk.	Moisture	Loose seed.	Foreign matter.	Broken Chillies	
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)	(11)
M.M.S.	Madras Mundu Special.	Not exceeding 2.5 cm.	Deep red shining	% 2.0	% 5.0	% 11.50	% 1.00	% 1.00	% 1.00	Chillies shall—
M.M.G.	Madras Mundu General.	Do.	Do.	4.0	10.0	11.50	1.0	1.00	1.00	(a) be the dried ripe fruits belonging to the species <i>Capsicum annum</i> L.
M.M.N.S.	Non-specified.	..	..	..	..	15.00	..	5.00	..	(b) have shape, pungency and seed contents normal to the variety;
										(c) be free from mould or insect damage and be in sound condition and fit for human consumption ;
										(d) be current year's crop and shall be free from extraneous colouring matter, oil and other harmful substances.

Basis of quantitative determinations :—All determinations and percentages shall be reckoned on the basis of total weight of representative samples.

Length :—Tolerance specified in col. 3 shall be based upon the average length of 20 fruits selected at random. The measurement will be taken from the tip of the fruits to the pedicel point (where the stalk is attached)

Discoloured pods :—Pods having brown, black, white and other coloured patches will be considered as discoloured pods.

Foreign matter :—All extraneous matter including calyx pieces and loose stalks will be treated as foreign matter.

For accidental errors, a tolerance of 0.5% under col. 5 and 1.0% under col. 6 is permissible for both the grade.

Moisture :—For accidental errors a tolerance of 0.5% for moisture content will be allowed over and above 11.5% only. No tolerance will be admissible for Grade M.M.N.S.

M.M.N.S. :—The chillies which do not conform to any of the higher grades, shall be packed under Grade M.M.N.S. against a "Firm Order" only.

"Firm Order" means that the entire value of goods contracted for, should have been obtained in advance by opening a cent per cent irrevocable letter of credit in India, which is encashable on the production of shipping bill supported by receipt of shipment or is guaranteed in any other way.

SCHEDULE IV  
(See rules 3 and 4)\*

*Grade designations and definitions of quality of chillies commercially known as RARI (Patarki or Patli) Produced in the State of Bihar.*

Grade designation.	trade Name.	Length. in c.m.	Colour.	Special Characteristics						General Characteristics.
				Maximum limit of tolerance						
				Damaged and dis- coloured red pods.	Pods without stalks.	Moisture	Loose seed.	Foreign matter.	Broken chillies.	
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)	(11)
B.R.S.	Bihar Rari Special.	8 and above.	Bright red.	% 1·0	% 2·0	% 11·50	% 1·0	% 1·0	% 5·0	Chillies shall— (a) be the dried ripe fruits belonging to the species <i>Capsicum annum</i> L.
B.R.G.	Bihar Rari General.	Below 8 and above 6.	Do.	2·0	2·0	11·50	1·0	1·0	5·0	(b) have shape, pungency and seed contents normal to the variety. (c) be free from mould or insect damage and be in sound condition and fit for human consumption ;
B.R.N.S.	..	..	..	..	..	15·00	..	5·0	..	(d) be current year's crop and shall be free from extraneous colouring matter oil and other harmful substances.

Basis of quantitative determinations : All determinations and percentages shall be reckoned on the basis of the total weight or representative samples.  
Length : The tolerance specified in col. 3 shall be based upon the average length of 20 fruits selected at random. The measurement will be taken from the tip of the fruits to the pedicel point (where the stalk is attached).

Discoloured pods :—Pods having brown, black, white and other coloured patches will be considered as discoloured pods.

Foreign matter : All extraneous matter including calyx pieces and loose stalk will be treated as foreign matter. For accidental errors, a tolerance permissible upto 5·0% in excess of the tolerance specified under col. 3 in respect of B.R.S. Grade and B.R.G. Grade. For accidental errors, a tolerance of 0·5% under col. 5 and 1·0% under col. 6 is permissible for both the grades.

Moisture :—For accidental error a tolerance of 0·5% for moisture content will be allowed over and above 11·5% only. No tolerance will be admissible for GRADE B.R.N.S.

B.R.N.S. The chillies which do not conform to any of the higher grades shall be packed under Grade BRNS against "Firm Order" only.

"Firm Order" means that the entire value of the goods contracted for, should have been obtained in advance by opening a cent per cent irrevocable letter of credit in India which is encashable on the production of shipping bill supported by receipt of shipment or is guaranteed in any other way.

SCHEDULE V  
(See rules 3 and 4.)  
Grade designations and definitions of quality of chillies commercially known as GOSPUREA produced in the State of Bihar

Grade designation	Trade Name	Length in c.m.	Colour	Special Characteristics						General Characteristics
				Maximum limits of tolerance						
				Damaged & discoloured pods	Pods without stalk	Moisture	Loose seed	Foreign matter	Broken chillies	
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)	(11)
B.G.S.	Bihar Gospurea Special.	5 and above 5.	Bright red	% 2.0	% 2.0	% 11.50	% 1.0	% 1.0	% 5.0	Chillies shall— (a) be the dried ripe fruits belonging to the species <i>Capsicum annuum</i> L.
B.G.G.	Bihar Gospurea General.	Below 5 and above 3.	Do.	3.0	2.0	11.50	1.0	1.0	5.0	(b) have shape, pungency and seed contents normal to the variety. (c) be free from mould or insect damage and be in sound condition and fit for human consumption ;
B.G.N.S	Non-specified	..	..	..	..	15.00	..	5.0	..	(d) be current year's crop and shall be free from extraneous colouring matter, oil and other harmful substances.

Basis of quantitative determinations : All determinations and percentages shall be reckoned on the basis of the total weight of representative samples.

Length : The tolerance specified in col. 3 shall be based upon the average length of 20 fruits selected at random. The measurement will be taken from the tip of the fruit to the pedicel point (where the stalk is attached).

Discoloured pods : Pods having brown, black, white and other coloured patches will be considered as discoloured.

Foreign matter : All extraneous matter including calyx pieces and loose stalks will be treated as foreign matter. For accidental errors, a tolerance is permissible upto 5.0% in excess of tolerance specified in col. 3 under B.G.S. and B.G.G. Grades. For accidental errors, a tolerance of 0.50% under col. 5 and 1.0% under col. 6 is permissible for both the grades.

Moisture : For accidental errors a tolerance of 0.5% for moisture content will be allowed over and above 11.5% only. No tolerance will be admissible for GRADE B.G.N.S.

B.G.N.S. : The chillies which do not conform to any of the higher grades, shall be packed under Grade B.G.N.S. against "Firm Order" only.

"Firm Order" means that the entire value of the goods contracted for, should have been obtained in advance by opening a cent per cent irrevocable letter of credit in India, which is encashable on the production of shipping bill supported by receipt of shipment or is guaranteed in any other way."

[No. 17-3/63-AM(Pt.)]

V. S. NIGAM, Under Secy.

(Department of Agriculture)

New Delhi, the 26th July 1963

**S.O. 2190.**—In exercise of the powers conferred by Section 5 of the Essential Commodities Act, 1955 (10 of 1955), the Central Government hereby makes the following amendment in the notification of the Government of India in the Ministry of Food and Agriculture (Department of Agriculture) S.O. 251, dated the 27th January, 1963, namely:—

In the said notification, in paragraph 2, for the words and figures "31st July, 1963," substitute "30th September, 1963,".

[No. 1-14/62-C(E).]

N. RANGANATHAN, Under Secy.

(Department of Agriculture)

(Indian Council of Agricultural Research)

New Delhi, the 23rd July 1963

**S.O. 2191.**—Under Section 4(x) of the Indian Cotton Cess Act, 1923 (14 of 1923), the Central Government are pleased to nominate Shri D. V. Lele—member of the Khadi & Village Industries Commission, Bombay—as member of the Indian Central Cotton Committee upto 31st March, 1964.

[No. 1-7/63-Com. III.]

New Delhi, the 25th July 1963

**S.O. 2192.**—In pursuance of the provision of Sub-section (i) of Section 4 of the Indian Oilseeds Committee Act 1946 (9 of 1946), the Central Government hereby appoint Shri T. V. Subba Rao, Principal Quality Control Officer, Tata Oil Mills Co., Bombay, nominated by the Oil Technologists Association of India, Kanpur, as a member of the Indian Central Oilseeds Committee, for the period ending 31st March, 1966.

[No. 8-4/63-Com. III.]

**S.O. 2193.**—In pursuance of the provision of Sub-section (d) of Section 4 of the Indian Oilseeds Committee Act, 1946 (9 of 1946), the Central Government hereby appoint Shri H. K. Singh, Deputy Secretary in the Ministry of Commerce and Industry, Government of India, New Delhi, as a member of the Indian Central Oilseeds Committee for the period ending on 31st March, 1965, in the casual vacancy caused by the resignation of the sitting member, Shri D. M. Jejurikar.

[No. 8-34/62-Com. II/III.]

New Delhi, the 27th July 1963

**S.O. 2194.**—In pursuance of the provisions of Rule 19(4) of the Indian Lac Cess Rules, 1930, framed under section 8 of the Indian Lac Cess Act, 1930 (Act No. 24 of 1930), the Central Government hereby publish the audited accounts of "Receipts and Payments" of the Indian Lac Cess Committee for the year ending 31st March, 1961 alongwith the auditor's report.

AUDIT REPORT

PART I

(1) This report includes only the major and important irregularities and not the minor ones which have been included in a separate note, not published.

(2) The accounts of receipts and payments of the Indian Lac Cess Committee, relating to the year 1960-61 is given in Appendix I to this report. It has been checked and found correct subject to the remarks in this report.

(3) *Estimates of receipt and expenditure:—*

The estimate and actual receipts and expenditure of the Indian Lac Cess Committee for the year 1960-61 were as follows:—

	Receipts	Expenditure
	Rs.	Rs.
Original budget . . . . .	24,02,306	15,59,999
Revised budget . . . . .	24,05,390	12,86,299*
Actuals . . . . .	7,05,625	10,99,509

\*Sanctioned by the Central Government in the Ministry of Food and Agriculture (Department of Agriculture), I.C.A.R., letter No. 3-24/61-Com.III, dated 21st March, 1961, subject to a ceiling of Rs. 11 lakhs.

On the basis of revised estimates, a surplus of Rs. 13,05,390 was anticipated. From the figures of actual receipts and expenditure it will be seen that the transactions resulted in a deficit of Rs. 3,93,884 against the budget forecast of a surplus of Rs. 13,05,390. This was due to the fact that as a normal practice of the Committee, the investments of the Committee in Government Securities (at cost) as at the beginning of each financial year are included in the estimated receipts (under "Opening Balance"). During the year 1960-61, the Securities, viz. 4 per cent loan 1960-70, face value Rs. 100,000 was due to mature. Instead of showing Rs. 100,000 as anticipated receipts on account of investment, the value of all the investments, i.e. Rs. 16,08,063 (as held on 1st April 1960) was included in the estimated receipts for 1960-61. The deviation from the commonly accepted policy in the matters of investments *vis-a-vis* budget estimates, inflated the figures of receipts.

Besides, the practice also had adverse effect on the financial interest of the Committee, when in course of a year, the securities had to be sold before maturity, inflicting a loss, *vide* para 8 of this report.

(4) *Balance (Cash etc.)*

The total resources of the Committee comprising cash and investments in Government securities at the beginning and end of the year 1960-61 were as follows:—

	1st April 1960	31st March 1961	(+)Increase (—)Decrease
	Rs.	Rs.	Rs.
Cash . . . . .	1,60,327	92,586	(—)67,741
Investments (at cost) . . . . .	16,08,063	12,90,390	(—)3,17,673
TOTAL . . . . .	17,68,390	13,82,976	(—)3,85,414

Compared with the preceeding year, there was a decrease of Rs. 3,85,414 in the closing balance due to excess of disbursements over receipts.

(5) *Investment:—*

The investments of the funds of the Committee during the period from 1939-40 to 1954-55, in Government Securities, as remaining on the 31st March, 1961 was Rs. 1,290,390.35, at cost (face value Rs. 12,94,000). The market value of the investments as on 31st March 1961 was Rs. 12,17,051.75, which fell short of their cost by Rs. 73,338.60 and of their face value by Rs. 76,948.25.

A further sum of Rs. 2,22,400 had been invested on account of the Indian Lac Cess Committee Provident Fund, in the P.O. 12 Year National Saving Certificates, as on the 31st March, 1961.

(6) Defects in the accounts of receipts and payments:—

The accounts of receipts and payments of the Committee relating to the year 1960-61, *vide* Appendix-I have not been prepared in accordance with the instructions contained in Rule 19 of the Indian Lac Cess Rules (as amended *vide* the Notification of the Central Government, Ministry of Food and Agriculture, No. F. 4-30/50-Com., dated the 20th November, 1950). The rule *inter-alia* laid down that the accounts shall include all sums received and payment made during a financial year under the specified heads. The items which have been wrongly included in this account (and the exact nature of such items) were brought to the notice of the local authorities, in details, in course of audit. The ambiguity of the "accounts" as prepared, is briefly indicated below:—

(i) The heads have been multiplied, in contraventions of the instructions in the Rules.

(ii) The heads, such as, "investment at cost, suspense account, security deposit with Electric Supply Co., Amount recoverable from the Government of India, with State Government for supply of brood lac, Indian Lac Cess Committee, Statistical Section, Indian Lac Research Institute, Lac Research Institute, Lac Extension Officer, Motor/Cycle advance, Festival advance, Advance towards pay suspected to have been defalcated, Indian Lac Cess Committee Provident Fund, and Loss of cash suspected to have been defalcated" appear on both, the receipts and payments sides of the Account. The figures under these heads, as shown on the "receipts" side of the account, however, do not represent sums received during the year. Similarly the figures under these heads appearing on the "Payments" side do not represent payments made during the year 1960-61. The above figures do not represent opening and closing balances of the account, as the balance of sums received and payments made (which this accounts purports to show) must represent cash balance (in hand or in bank).

(iii) The figures under some of the heads *viz.* "Investment at Cost", security Deposit with Elec. Supply Co., Suspense—Indian Lac Cess Committee, Statistical Section, Indian Lac Research Institute, Lac Extension Officer, etc. shown on the "receipts" side do not at all represent receipts but these constitute "payments" made by the Committee long back and is not a receipt of the current year.

(iv) Contrary to the instructions in the Rules, the sums not received have been included on the receipts side of the account *e.g.* "Amount recoverable from the Government of India, Rs. 6,988.56" "with state Government for supply of brood lac Rs. 19,997.57."

(v) Rs. 2,011.59 has been shown on the payment side of the account under head "Loss on sale/Redemption of securities". There was actually no payment made on this account.

(vi) A sum of Rs. 3,15,661.29 was actually received during 1960-61 on account of sale/redemption of securities (investments), but the transaction has not been shown as such on the receipts side of the account.

It would thus be observed that the accounts of receipts and payments relating to the year 1960-61 presented an inaccurate picture of "receipts" and "Payments" during the year and the very purpose of maintaining this account was defeated. On the defects being pointed out, the local authorities stated that:—

- (i) The present system of the preparation of the accounts of "receipts" and "payments" of the Committee was being followed for a long time in the past and
- (ii) Certain items (which, although do not represent receipts and payments during the year of accounts) were being shown in the accounts with a view to exhibit the financial position of the Committee.

As to (i) above, the practice is found to be contrary to the procedure laid down in the regulations for the maintenance of the accounts of receipts and payments, as cited above, and it should be abandoned.

As to (ii) above, the accounts in question proposes to show the "receipts" and "payments" as take place during the year of accounts. The exhibition of the "financial position" is outside the scope of such accounts. The attempt to show the financial position of the Committee by interesting unauthorised and unconventional modifications in the accounts of receipts and payments, in the manner it has been done gave vent to a wrong inference about the financial position of the Committee and much of its assets and Liabilities have remained unexhibited.

It was therefore suggested to the local authorities that the accounts of the receipts and payments relating to the year 1960-61 be prepared strictly in accordance with the instructions contained in Rule 19 quoted above.

It was also suggested that a statement be prepared, separately, to show the assets and liabilities of the Committee, instead of inserting modifications, and alterations in the prescribed form and contents of the accounts of receipts and payments. The statement though not specifically required under the rules to be prepared by the Committee would promote the clearness of the financial administration of the Committee.

The suggestions were however, not acted upon by the local authorities.

(7) *Suspense Accounts*:—

In the accounts of receipts and payments *vide* Appendix I a total sum of Rs. 59,744.69 has been shown on the payment side under "suspense":—

(i) Indian Lac Cess Committee . . . . .	Rs. 23241.53 (Secy. I.L.C.C.)
(ii) Statistical Section . . . . .	Rs. 926.31 do.
(iii) Indian Lac Research Institute . . . . .	Rs. 11873.95 (Director, I.L.R.I.)
(iv) Lac Extension Officer . . . . .	Rs. 23702.90 (L.E.O., I.L.C.C.)

(a) The amount represents net payments made in order to place the officers or their subordinates with funds. The payments were made on the basis of notes/letters demanding money. The purpose of payments in some cases was mentioned in a general way or not indicated at all in several other cases. Instances were not rare when the money received in this manner was refunded in cash (without utilization for the Committee's purpose) after the lapse of some months. There was no claim preferred against the Committee to support such payments. The subordinate officers who were supplied with the funds were not authorised to incur any expenditure or to make disbursements on behalf of the Committee, certain sums collected by the officers on behalf of the Committee were also retained by the officers/servants of the Committee. The officers/servants were not authorised to retain the money with them. The regulations regarding the disbursement of money on behalf of the Committee, as contained in Rule 20(3) *ibid*, empowered the Secretary, Indian Lac Cess Committee, to make withdrawals from the Committee's account to meet expenditure relating to administration and bills relating to supply and services. It would thus appear that the regulations regarding the methods of payments had been disregarded.

(b) The head "suspense" was not a prescribed head in the accounts of the Committee. There was no budget grant to cover the expenditure as booked under this head in the final accounts of receipts and payments of the Committee. As such, the transaction in question was unauthorised.

(c) The accounts of receipts and payments for 1960-61, did not show the actual payments under the respective heads of accounts, e.g. a total sum of Rs. 16,026.87 was actually spent by the Lac Extension Officer, I.L.C.C. during 1960-61, under the following heads of account.

(Lac Extension Officer's bills Nos. 187, dated January 1961 202 to 206 and 209 to 215, each dated March, 1961).

Rs.

**B-VI-Lac Extension**

(ii) (a) Contingencies . . . . .	1,654.66
(iii) Nucleus Brood Farms . . . . .	
(d) Brood Labour, Contingencies etc. . . . .	6391.76
(e) Temporary Sheds . . . . .	5,333.69
(iv) Lac cultivation in Forest areas . . . . .	2,646.76
	<hr/>
	16,026.87

In the accounts for 1960-61, the expenditure was left unadjusted under the head "suspense L.E.O." and it was debited to the proper head of account for the next financial year 1961-62.

As to the reasons for which this expenditure was not accounted for under the appropriate head of account for the year 1960-61, the local authorities stated that it was due to the Ministry (Government of India) having curtailed the grant abruptly towards the close of the year. This would apparently show that the accounts were manipulated by operating the head "suspense" to prevent the excess over the budget grant being shown in the accounts. Thereby, the control over the expenditure of the Committee through the sanction to the budget grant by the Government of India was rendered ineffective.

The local authorities, however, expressed that steps were being taken to allow "imprest" to some more officers/servants of the Committee. This would eliminate the unauthorised transactions under the head "suspense" and will also obviate the need of keeping the accounts for the month of March opened after the close of the financial year. The final action taken in this regard may please be communicated to this Office.

(d) It was noticed that certain items of collection of money or receipt on behalf of the Committee by the officers/Staff were shown as credit balance under the head "suspense". The reasons as to why the sums received were not finally adjusted under the respective head of account and the money deposited into the funds of the Committee were not very clear. The balance outstanding on 31st March 1961 was Rs. 3,031.18. The details are shown below. Some of these items were 3 to 4 years old. The credit items may please be cleared and finally adjusted under intimation to this Office.

Suspense (Credit)		Rs.
(1) Secretary, Indian Lac Cess Committee	(i) 1957-58	593.31
	(ii) 1959-60	1573.00
	(iii) 1960-61	400.00
(2) Director, Indian Lac Research Institute	(iv) 1957-58	25.00
	(v) 1958-59	0.12
	(vi) 1959-60	125.00
	(vii) 1960-61	273.75
(3) Lac Extension Officer	(viii) 1957-58	3.00
	(ix) 1960-61	38.00
TOTAL		3031.18

(8) Loss due to sale of investments (Govt. securities) before maturity (Rs. 31,482):—

In order to find funds to meet the normal expenditure of the Committee, the investments in Govt. securities viz., 3 per cent loan 1963-65 (serial No. 412), 3 per cent loan 1963-65 (Serial No. 413) and  $3\frac{1}{4}$  per cent National Plan Bonds, 1956, of the face value of Rs. 95,000, Rs. 73,400 and Rs. 50,000 respectively, which were held by the Committee since 26th August 1939, 31st December 1952 and 31st March 1954, were sold during September 1960, before the investments had matured. Against a total sum of Rs. 2,47,936 receivable in respect of these investments on their maturity (after September 1960) their premature sale realised a total sum of Rs. 2,16,453.89. Thus, the Committee sustained a loss of Rs. 31,482.11 in this deal.

The securities were sold with the approval of the President, Indian Lac Cess Committee obtained in July, 1960. The regulations viz., rule 20(2) of the Indian Lac Cess Rules, as amended by Notification of the Central Government (Ministry of Food and Agriculture) published in the Gazette of India No. S.O. 1958, dated the 12th July, 1958, which governed the disposal of investments of the Committee in Government securities, *inter alia* prescribed that the moneys invested in Government securities shall be paid in the "personal Deposit Account" of the Committee as and when the investments mature.

The local authorities argued that the old rule 20(2) *ibid.*, (previously in force) empowered the President of the Committee to sanction the disposal of the moneys invested by the Committee. They also cited a reference to Rule 20(3), now in force, which laid down that the cheques and all orders for withdrawals of the deposits or investments shall be signed by the Secretary and the President, but the Secretary may draw cheques to the extent of Rs. 70,000 each month. It is observed that the old rule 20(2), dated cited by the local authorities was not in force at the time of sanction to the sale or actual sale of the investments. It is further

observed that Rule 20(3) *ibid* (now in force) laid down the mode of signing the orders for the withdrawals of the investments and not the orders for the withdrawal of the investments and not the orders according sanction to the sale of the investments. The fact that the investments were not to be sold before maturity is amply borne out by the provisions of Rule 20(2) *ibid*. Thus, it would be seen that the sale of the investments mentioned above was not in conformity with the provisions in rules.

(9) *Loss on Broodlac Farms:*

(i) The revenue and expenditure (as detailed in respect of the 14 Brood Lac Farms run by the Committee in different States, for and upto the year ending the 31st March, 1961 are shown below:

Serial No.	Name of Farms and Year in which started	Total number of trees March 1961	For 1960-61			For the period from inception till the year ending 31-3-1961		
			Revenue	Exp. as debited	+ Profit — Loss	Revenue	Expenditure as debited	(+) Profit (—) Loss
1	2	3	4	5	6	7	8	9
	(Kusmi)							
1	Kankebar (Bihar 1957)	630	296.10	1904.41	(—)1608.31	4731.00	13817.99	(—)9086.79
2	Sikrabundia (W. Bengal) 1957-58	500	218.18	2473.20	(—)2255.20	1961.16	8331.49	(—)8370.33
3	Baratwa (Madhya Pradesh 1957-58)	2200	406.40	2221.52	(—)1815.12	783.09	9189.56	(—)8406.47
4	Bhainsa Mura Korba (M.P.) 1957-58	816	343.64	1192.25	(—) 848.11	870.14	3969.42	(—)3099.28
5	Baruka Tuimura (M.P.) 1957-58	698	218.50	1534.75	(—)1316.25	518.16	6998.37	(—)6480.21
6	Chakri (Orissa) 1959-60 (Palas)	1056	661.50	2952.09	(—)2450	1049.25	4043.06	(—)2993.81
7	Turtiamu (Bihar) 1954-55	4313	2544.16	2107.73	(+)436.43	15286.46	11157.66	(+)4128.80
8	Malichak (Bihar) 1956-57	5430	8068.72	4919.11	(+)3149.61	10180.02	15174.49	(—)4994.07
9	Paini Parmachak (Bihar) 1956-57	4252	2352.26	2577.36	(—)22510	3995.57	10680.82	(—)6685.25
10	Padakar (M.P.) 1958-59	5960	296.25	1512.72	(—)1216.47	546.37	4403.96	(—)3857.59
11	Sondar (Maharashtra) 1958-59	8988	114.25	2206.98	(—)2092.47	1000.75	5844.92	(—)4844.17
12	Durgi (W. Bengal) 1958-59	4012	1158.91	1988.11	(—)929.20	3742.72	4382.84	(—)640.12
13	Umaria (M.P.) 1959-60	6000	191.47	2240.59	(—)2049.12	296.22	3934.19	(—)3637.97
14	Chanderpur (M.P.) 1959-60	6000	332.12	1652.09	(—)2450.00	904.49	3109.16	(—)2204.97
	TOTAL	50855	17202.46	32914.96	(—)14280.45	45865.80	105038.03	(—)59172.23

It would thus be seen that the financial results of the farms were a loss of Rs. 14,280.45 during the year 1960-61 and a loss of Rs. 59,172.23 during the period from the inception of the farms till the year ending the 31st March, 1961.

(ii) The expenditure only on wages for lac operations such as pruning inspection, phoonki removal cropping scraping, repairs to fencing and wages of Lac Chaukidar were taken into account (as shown in Col. 5 and 8 above). This was accordingly to the existing accounting system based on the Lac Extension Officers' letter No. GF/46, dated 11th July 1961 and the approval of the President, Indian Lac Cess Committee in his letter No. D.O. 3-94/60-Com.III dated 10th August 1961. Under this procedure, the royalty on trees was also required to be debited to the account of the farms, but no amount had actually been so debited for the reason that the royalty had not been paid by the Committee, so far. The provision for the royalty, as payable, should have been made and the expenditure involved should have been debited to the account of farms each year.

(iii) In accordance with the same accounting procedure (as referred to above) no portion of expenditure on cost of brood, construction of building and fencing and of the salaries of the supervisory staff had been debited to the revenue and expenditure accounts of the farms, even though the farms are maintained for the achievements of results, other than purely commercial (as discussed in sub-para. (iv) below), it was necessary that the financial results of the farms were expressed in normal commercial form so that the cost of operation be accurately known and the financial control be facilitated. The account of revenue and expenditure of the farms should therefore, also include a fixed percentage of indirect charges relating to the farms.

(iv) The broad objections of the farms were stated to be as follows, (*vide* letter of the Lac Extension Officer and the President, Indian Lac Cess Committee quoted in sub-para. (i) above):—

- (a) to raise through the Lac Extension the economic condition of the people, chiefly tribals.
- (b) to increasing earn foreign exchange for the country and
- (c) to demonstrate to the Lac cultivators the improved methods of scientific lac cultivation. It was also held that "the scheme may be called a welfare scheme" and that "the profits of brood lac farms are to be gathered on these three aspects and not directly on the finance of the farms themselves".

It is however, observed that the fulfilment of the objectives was dependent on the outturn of the farms. If the farms did not give a substantial return the demonstration of the improved scientific methods of Lac cultivation as also the example set by these Farms were likely to discourage the Lac Extension and the scheme would do little in the way of welfare of the people. According to Annexure VI (page 122 of the proceedings of the meeting of the Committee in October, 1963, the expected outturn per tree, per year, was Rs. 2.75 in the case of Palas and Rs. 19/- in the case of Kusum trees. The actual outturn of the farms as shown above, was far below the expectation.

Further, the President, Indian Lac Cess Committee had observed in his letter dated 10th August, 1961, quoted above that "there should still be room for making these farms pay for themselves. If they did not, either their location should be deemed as unsuitable or their operation not quite efficient". Judged from this standard, excepting the two farms at Turhamu and Malichak (in Bihar), the remaining 12 farms were continuously running at a deficit since their inception [as shown in sub-para (i) above].

Further from the comments offered by the Lac Extension Officer (*vide* his letter No. BF 780, dated 26th December 1961 to All Lac Inspectors etc.), it transpired that the expenditure on lac operation per tree in some of the farms was comparatively high. This shows that there was ample scope for economy in running these farms.

(v) The total number of trees in these farms as in July 1960 and in March 1961 are indicated below. The figures are based on the Lac Extension Officers' letter No. I.T./129, dated 17th December 1960 to the Secretary, Indian Lac Cess Committee and the revenue and expenditure account for an upto the year ending

31st March 1961 appended to his Memo. No. BF/80, dated 26th December 1961, respectively:—

Farms	July '60 Kusum	March '61 Kusumi	Shortage Kusumi
1. Kanke bar . . . . .	860	630	230
2. Sikra Bundia . . . . .	660	500	160
3. Bagratwa . . . . .	2200	2200	..
4. Bahainsamura Korba . . . . .	816	816	..
5. Barnka Tuiamura . . . . .	700	698	2
6. Chatri . . . . .	1131 (Palas)	1056 (Palas)	75 (Palas)
7. Turhamer . . . . .	4614	4313	301
8. Malichak . . . . .	6235	5430	805
9. Painsi Parmachak . . . . .	4300 812 Khair	4252 ..	48 812 Khair
10. Pardakar . . . . .	5960	5960	..
11. Sondar . . . . .	8988	8988	..
12. Durgi . . . . .	6772	4012	2760
13. Umarin . . . . .	6000	6000	..
14. Tonalderpur . . . . .	56048	50855	5193

Compared with the position in July 1960, it will be seen that in March 1961, there was a shortage of 5,193 number of trees, i.e., 3,914 Palas, 467 Kusum and 812 Khair trees.

In reply, the Lac Extension Officer stated that the figures showing the number of trees as in March, 1961 did not seem to be correct. An enquiry was being made of the field staff.

The exact position with reasons for heavy shortage may please be communicated to this Office.

(10) *Improper expenditure of the funds of the Committee French Polishing Unit:—*

Rs. 21,736.82.

(a) (i) With a view to increase the consumption of lac products, a scheme for carrying out house to house demonstration-cum-publicity of the use of French Polish (for furniture) was sanctioned for one year, at a net cost of Rs. 18,500, as detailed below (Item No. 34 of the Governing Body meeting, 19th February 1959).

Expenditure:	Rs.
3 Polishers @ Rs. 5.00 per day for 300 days . . . . .	3,500.00
1 Carpenter @ Rs. 5.00 per day for 300 days . . . . .	1,500.00
3 Sanders @ Rs. 2.50 per day for 300 days . . . . .	2,250.00
1 Manager-cum-canvas or @ Rs. 250/- p.m. . . . .	3,000.00
Publicity Rs. 300.00 p.m. . . . .	3,600.00
Accommodation, Office expenditure . . . . .	3,000.00
Leaflets other printing, stationery etc. . . . .	1,350.00
Sundries, Uniform for workers etc. . . . .	800.00
Cost of materials . . . . .	4,500.00
<b>TOTAL</b> . . . . .	<b>24,500.00</b>

#### Revenue:

No charge was to be made for demonstration. The mending and repairing charges (wages of carpenter) and the cost of materials were to be charged.

	Rs.
Carpenters Wages . . . . .	1,500.00
Cost of materials . . . . .	4,500.00
<b>TOTAL</b> . . . . .	<b>6,000.00</b>
<b>Net expenditure</b> . . . . .	<b>Rs. 18,500.00</b>

The demonstration-cum-publicity centre was to maintain a stock of shellac, bleached lac and seed lac for distribution at fair prices to consumers if there was a demand.

(2) Accordingly, a French Polishing Unit started functioning at Delhi, with effect from 9th November 1959. The term of this Unit was extended till 31st December 1961 (item No. 5 Governing Body meeting, 4th March 1961). The manufacture and marketing of the French Polish was left to a private firm, although the committee had been running a Lac Production Unit for common use. The Oriental Housing and Furnishing Co. Ltd. was manufacturing and marketing Orient French Polish. The French Polishing Unit, established by the Committee at Delhi, engaged itself upon carrying out the demonstration and publicity of the "Orient French Polish".

(3) The entire expenditure of this Unit was financed out of the funds of the Committee. Besides, during March 1960 to September 1960 the Oriental Advertisers spent a sum of Rs. 2,921.32 on the advertisement of Orient French Polish. This amount was eventually re-imbursed to the Oriental Advertisers out of the funds of the Committee.

(4) No carpenter was engaged. There was no expenditure as also no receipt on this account. It was supposed that the Unit was using certain materials for demonstration. The quantity of such materials consumed and the source of its supply to the Unit were not indicated in the records. The records also did not show if the Oriental Housing and Furnishing Co. Ltd. was supplying the polishing materials and if they did the considerations for making such offer was unknown. There was, however, no specific purchase of polishing materials nor any credit to the funds of the Committee, on account of the recovery of cost of materials.

(5) The Unit did not hold any stock of Lac for distribution on fair price on behalf of the Committee.

(6) The work reports of the Units gave an account of efforts made by the workers of the Unit in pushing the sale of the Orient French Polish and their canvassing to the people for using Orient French Polish in preference to other French Polishes marketed by different firms. The workers engaged themselves in selling the Orient French Polish Kits and during 1960-61 and 1961-62 (till November, 1961) they had sold 2,937 'Kits' of the value of Rs. 14,685 approximately (the price of a 'Kit' reported to be Rs. 5 approximately). The entire sale proceeds was received by the Oriental Housing and Furnishing Co. Ltd. who were marketing those kits. Thus the staff of the Unit seemed to have been working as sales man of said company.

(7) Upto December, 1961, the Committee had incurred an expenditure of Rs. 21,376.82 in running the French Polish Unit at Delhi. The Unit was continuing even after December, 1961, without sanction to its continuance by the Committee.

(8) The working of the Unit reflects that the expenditure of Rs. 21,736.82 so far incurred was not fully compensated.

In reply it was stated that the interests of the Committee were fully compensated by free accommodation, Supervision by one of the Director of the firm and goodwill of the firm. As regards the work reports on which the conclusion are based are from Junior persons and were not correct.

11. *Deposit for works (outstanding amount Rs. 13,24,577.58).*

It transpired that a total sum of Rs. 13,24,577.58 had been deposited with the C.P.W.D. viz. Executive Engineer, Hijli Building Division, Kharagpur, Central Division Dhanbad, Central Electrical Division II, Calcutta, and Central Division III, Calcutta, during the period from 1952-53 to 1960-61 for works of construction/repair to buildings, road, water supply and electrification.

(a) In respect of the deposit of Rs. 2,84,614.00 (*vide* items Nos. 1, 12 and 14 of Appendix VII) it was learnt that the works had since been completed, but the reports of the completion of work and accounts of actual expenditure refund of the unspent amount had not yet been obtained.

(b) In respect of the deposit of a total sum of Rs. 2,84,055.58 (*vide* items 2 to 11, 13 and 15 to 20 of Appendix VII) the works did not seem to have been started so far, although some of these deposits had been made some 4 to 5 years ago.

(c) The works relating to the deposits of Rs. 9,55,908.00 stated to have been taken up.

(ii) It further revealed that although the account of actual expenditure out of any item of deposits made by the Indian Lac Cess Committee had not yet been obtained from the Central Public Works Department, certain amount originally deposited for a particular work was shown to have been transferred for another work as unspent balance of the previous deposit. This was likely to create confusion in the settlement of the original items of deposits. The transfer may not be made until a complete account of the deposit for a particular work was furnished.

(iii) Further, it was noticed that certain works which were originally to be taken up by the Hijli buildings division, Kharagpur had been transferred to the Central Division, Dhanbad. Efforts made so far to locate the items of deposits with the respective Executive Engineers had not proved fruitful. A clear statement of the up-to-date position of deposits with each Division of the Central Public Works Department, may please be prepared after obtaining a report to that effect from the Executive Engineers concerned and the settlement of the account of each deposit work may please be expedited.

(12) *Expenditure and delay in the establishment of the Bleached Lac Plant:—* An expenditure of Rs 31,601.23 had been incurred so far, during the year 1958 to 1961 on the designing and the purchase of equipments for a Bleached Lac Plant to be established at the Indian Lac Research Institute, Namkum (Ranchi). The Plant is reported to be under experiment and it has not yet been brought into use the Production Unit of the Institute.

So far sanctions to the purchase of equipments at a total cost of Rs. 30,335.00 had been accorded, from time to time during the period between January to October, 1959. The total expenditure involved in the purchase of all component parts of the Plant including its erection, till the stage of putting the plant in working order did not seem to have been given due consideration. The local authorities stated that the Plant will have to go through various modifications till it achieved the mechanical perfection aimed at and for that reason the sanctions to expenditure based on time to time modification were unavoidable.

It reflected that an indefinite liability was being incurred. It was desirable that a limit be fixed upto which the expenditure could be or was contemplated to be incurred in connection with the establishment of this plant.

## APPENDIX—I

## INDIAN LAC CESS COMMITTEE

Statement of Receipts and Payments Account for the year ending 31st March, 1961.

Receipt	Rs. nP.	Rs. nP.	Payment	Rs. nP.	Rs. nP.	Rs. nP.
Opening Balance :—			<i>Administration of the Committee</i>			
Cash Balance			(i) Measures pertaining to the function of the Committee . . .	13,706 99		
Indian Lac Cess Committee C/A . . .	68,181 19		(ii) Secretary's Office . . .	78,181 24		
Subsidiary Account . . . . .	12,146 07		(iii) Medical Aid to Staff of the Committee . . .	16,895 56	1,08,783 79	
Amount in Transit			B. Measures taken to improve and develop methods of cultivation and manufacture of lac.			
Amount transferred from the current Account on 31st March, 1960. but in course of collection (not account for in the Subsidiary Account of 1959-60) . . . . .	80,000 00	1,60,327 26	(i) I L R.I (Excluding Project and expenditure on Estate). . .	4,40,399 30		
			(ii) Estate including new construction . . .	1,54,477 90		
Balance with High Commissioner for India (London) . . . . .		8,300 37	(iii) <i>Special Project :</i>			
Investment at cost . . . . .		16,08,063 23	(a) Analytical Laboratory . . .	26,132 76		
(a) Suspense Account			(b) Regional Field Stations . . .	59,444 38		
(i) Security deposit with Ranchi Electric Supply Co Ltd . . .	4,000 00		(c) Production Unit . . .	10,844 15		
(ii) Security Deposit with Gondia Electric Co Ltd . . . . .	150 00	4,150 00	(d) Bleached Lac Pilot Plants . .	20,099 44		
			(e) French Polishing Unit . . .	9,370 43		
(b) Amount recoverable from the Govt. of India.			(f) Scheme for Pilot Plant studies of Laboratory experiments of Hygienic disposal of Lac Factory wastes and recovery of lac Dye. . .	405 00		
(i) Rent for land and for air-condition in Godown at Calcutta.			(iv) Lac Extension . . . . .	1,56,798 93		
			(v) Grant in aid to other Institutes for research . . . . .	17,992 44	8,95,364 73	

At end of 1958-59 . . . . .	2,552.51		(c) Measures taken to improve and develop marketing of lac.		
for 1959-60 . . . . .	4,336.05	6,988.56	Statistical Section . . . . .		61,186.41
(ii) Training of Burmese candidate under Colombo Plan.			D. MISCELLANEOUS :		
Total Expenditure . . . . .	2,878.86		(i) Publicity . . . . .	Nil	34,174.36
Less Amount received . . . . .	2,236.00	642.86	(ii) Miscellaneous . . . . .	34,174.36	
(With State Government for supply of Broodlac).		19,997.57	Loss on Sale Redemption of Securities . . . . .		2,011.59
		<u>31,778.99</u>			<u>11,01,520.88</u>
(d)(i) Indian Lac Cess Committee . . . . .	12,009.43		Closing balance as at end 31-3-61		
(ii) Statistical Section . . . . .	159.00		Current accounts . . . . .	45,738.58	
(iii) Indian Lac Research Instt. . . . .	18,014.89		Subsidiary account . . . . .	<u>46,847.42</u>	92,586.00
(iv) Lac Extension Officer . . . . .	4,443.50		Balance with the High Commissioner for India, London . . . . .		8,300.37
(v) Motor/Cycle advance . . . . .	1,195.00		Investment at cost . . . . .		12,90,390.35
(vi) Festival Advance . . . . .	2,399.28		(a) <i>Suspense account</i> :—		
(vii) Pilot Survey Advance . . . . .	2,989.51		(i) Security deposit with Ranchi Electric Supply Co. . . . .	4,000.00	
(viii) Advance towards pay suspected to have been defalcated. . . . .	1,378.11	42,570.72	(ii) Security deposit with Gondia Electric Supply Co. . . . .	<u>150.00</u>	
(e) Indian Lac Cess Committee Provident Fund A/C.		74,358.71		4,150.00	
Deposit . . . . .	24,513.93		(b) Amount recoverable from Government of India for training of Burmese candidates . . . . .		
Less amount of subscription raised . . . . .	<u>24,354.72</u>		Last years balance B/F. . . . .	642.86	
Excess to be adjusted . . . . .		159.21	Less amount received during the year . . . . .	<u>541.27</u>	
(f) Loss of cash suspected to have been defalcated (c/o from 1958-59) . . . . .		3,970.82		<u>101.59</u>	
(g) Imprest, Indian Lac Research Institute . . . . .	500.00		Add amount of expenditure booked during the year . . . . .	134.46	236.05
Imprest, Lac Extension Officer (I.L.C.C.) . . . . .	200.00				

1	2	3	4	5	6
	Rs.	Rs.		Rs.	Rs.
Imprest, Indian Lac Cess Committee . . . . .	500.00		With the State Governments for supply of broodlac . . . . .		1,296.32
Imprest with Statistical Inspectors	40.00		TOTAL CO.		5,682.87
Imprest postage account . . . . .	40.00	1,280.00			
		<u>18,56,859.60</u>			24,92,797.60
Deduct :—Outstanding Liabilities of the previous years brought forward :—					
Liabilities for income tax . . . . .	100.00				
Liabilities of Deferred Pay . . . . .	1,000.00	1,100.00			
		<u>18,55,359.60</u>			
2. Income during the year :—		6,05,386.23	(i) Indian Lac Cess Committee . . . . .	23,241.53	
Money received from the Govt. of India under Agricultural head 40 on account of cess collection.			(ii) Statistical Section . . . . .	926.31	
Interest on investments . . . . .		45,013.50	(iii) Indian Lac Research Institute . . . . .	11,873.95	
Receipts from Lac Production Unit . . . . .		10,212.62	(iv) Lac Extension Officer . . . . .	23,702.90	
Revenue received from Broodlac Farm . . . . .		12,213.48	(v) Motor/Cycle advance . . . . .	5,375.68	
Other receipts . . . . .		32,799.39	(vi) Festival Advance . . . . .	2,173.25	
Grant from the Government of India			(vii) Advance towards pay suspected to have been defalcated . . . . .	1,378.11	68,671.73
Construction of Lac Godown . . . . .	9,68,908.00		Indian Lac Cess Committee Provident Fund.		
Less Deposit made to the C.P.W.D. for construction of air conditioned godown . . . . .	9,55,908.00		Amount of subscription realised from the employees of the Committee . . . . .	26,888.94	
		<u>13,000.00</u>	Less amount deposited . . . . .	26,810.36	
				<u>78.08</u>	

Less Recovery of previous rent due from the Government . . . .	6,988·96		Less amount of excess deposit made in 1959-60 . . . .	159·21		
	<u>6,011·44</u>					
Less rent paid during the year . . . .	4,317·12	1,694·32	Not excess deposit made . . . .		81·13	
4. Outstanding liabilities income tax for deposit into Govt. Account			Loss of cash suspected to have defalcated (C.O. from 1958-59) .		3,970·32	
Balance brought forward . . . .	100·00					
Add. amount realised during the year. . . . .	<u>4,023·59</u>					
	<u>4,123·59</u>					
Less amount deposited during the year . . . . .	3,799·08	324·51	(g) Imprest funds :—			
Deferred pay . . . . .			(i) Imprest with Assistant Lac Extension Officer Jabalpur . . . . .	200·00		
Balance brought forward . . . .	1,000·00		(ii) Imprest with statistical inspectors. . . . .	40·00		
Add. Receipts during the year . . . .	<u>2,180·00</u>		(iii) Imprest with postage account . . . . .	0·94	240·94	78,647·49
	<u>3,180·00</u>					
Less refunded . . . . .	2,168·00	1,012·00				
Indian Lac Cess Committee Security Deposit . . . . .		<u>7,429·44</u>				
GRAND TOTAL . . . .		<u>25,71,445·09</u>				<u>25,71,445·09</u>

[No. 3-61/62-Com.IV.]

N. K. DUTTA, Under Secy.

## DEPARTMENT OF ATOMIC ENERGY

*Bombay, the 24th July 1963*

**S. O 2195**—In exercise of the power conferred by sub-rule (2) of rule 11, clause (b) of sub-rule (2) of rule 14 and sub-rule (1) of rule 23, of the Central Services (Classification, Control and Appeal) Rules, 1957, the President hereby makes the following further amendments in the notification of the Government of India in the Department of Atomic Energy, No. S.R.O. 637 dated the 28th February 1957, namely:—

In the Schedule to the aforesaid notification:—

- (a) In Part I, the following entry shall be inserted as entry (vi) and the existing entry No. (vi) shall be re-numbered as entry (vii):—

I	2	3	4
"Posts in the Jaduguda Mining Project.	General Manager Jaduguda Mines.	General Manager Jaduguda Mines.	All"

- (b) In part II, the following entry shall be inserted as entry (vi) and the existing entry (vi) shall be re-numbered as entry (vii):—

I	2	3	4	5
"Posts in the Jaduguda Mining Project.	General Manager Jaduguda Mines.	General Manager Jaduguda Mines.	All	Joint Secretary, Department of Atomic Energy."

- (c) In part III, the following entry shall be inserted as entry (vi) and the existing entry (vi) shall be renumbered as entry (vii):—

I	2	3	4	5
"Posts in the Jaduguda Mining Project.	Administrative Officer, Jaduguda Mines.	Administrative Officer, Jaduguda Mines.	All	General Manager, Jaduguda Mines."

[No. 32(3)/55-Adm.]

P. MURALIDHARAN, Dy. Secy.